Alex. Townsend.

THE

BANKRUPT LAWS.

BY

WILLIAM COOKE,

OF LINCOLN'S-INN,

ESQ.

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THE FOURTH EDITION,

INCLUDING THE CASES TO THE END OF TRINITY TERM 1797.

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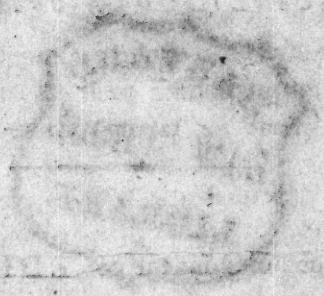
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PRECEDENTS

PRECEDENTS.

THE firſt ſtep to be taken towards procuring a Commiſſion of Bankrupt, is for the creditor to make an affidavit of his debt before a Maſter in Chancery; or if he reſides in the country, before a Maſter Extraordinary there, to be filed in the ſecretary of bankrupts office.

Affidavit of Debt to obtain a Commiſſion.

Affidavit of debt.

A. B. of, *&c.* maketh oath that *John Wilſon* of *Chelmsford*, in the county of *Eſſex*, ſhopkeeper, is juſtly and truly indebted unto him this deponent, and to *Thomas Abel* his partner, in the ſum of 100 *l.* and upwards, for goods ſold and delivered by this deponent and his ſaid partner, to and for the uſe of the ſaid *John Wilſon*; and this deponent further ſaith, that the ſaid *John Wilſon* is become a bankrupt within the true intent and meaning of ſome or one of the ſtatutes made, and now in force, concerning bankrupts, as this deponent hath been informed and believes.

A. B.

Sworn at the Publick-Office, the 1ſt day of *September*, 1784, before me, *Peter Holford.*

Affidavit of ſeveral Petitioning Creditors.

A. B. of, &c. *C. D.* of, &c. *E. F.* of, &c. *G. H.* of, &c. ſeverally make oath and ſay, and firſt this deponent *A. B.* for himſelf ſaith, that *John Wilſon*, of, &c. is juſtly indebted unto him this deponent in the ſum of 30 *l.* for, &c. And this deponent *C. D.* for himſelf ſaith, that, &c. [as before] and all theſe deponents ſay, that they verily believe that the ſaid *John Wilſon* is become a bankrupt within the true intent and meaning of ſome or one of the ſtatutes made and now in force concerning bankrupts.

A. B. *E. F.*
C. D. *G. H.*

All ſworn, &c.

If the commiſſion is intended to be executed in the country, which can only be where the bankrupt reſides above forty miles from *London*, the commiſſioners names muſt be ſent to the bankrupts office. There ſhould be two barriſters and three attornies in the commiſſion.

Affidavit to be made for taking out a Country Commiſſion.

Affidavit for country commiſſion.

A. P. of *Great Yarmouth*, in the county of *Norfolk*, widow, maketh oath, that *C. D.* of *Great Yarmouth* aforeſaid, merchant, is now juſtly indebted to this deponent in the ſum of 100 *l.* and upwards, for, &c. and this deponent ſaith, that no part thereof hath been paid or otherwiſe ſatisfied to her this deponent; and his deponent alſo ſaith, that the ſaid *C. D.*

C. D. is become a bankrupt within the compaſs, true intent, and meaning of ſome or one of the ſtatutes in force concerning bankrupts, as this deponent is informed and believes, and ſaith, that the commiſſion, when obtained, is intended to be executed at *Great Yarmouth* aforeſaid, or within ten miles of the ſame, and not within forty miles of *London*.

A. P.

Sworn at in the
county of *N.* the
day of in the
year of the reign
of king of *Great*
Britain, &c. before me
T. M.
Maſter extraordinary in Chancery.

Commiſſioners Names.

J. J.
T. W. } Eſqrs.

T. M.
J. F.
T. R. } Gent^n.

The Affirmation of a Quaker.

Thomas Abel, of, &c. being one of the people called *Quakers*, upon his ſolemn affirmation, ſaith, &c. [as in an affidavit, only that inſtead of the word "deponent" the word "affirmant" is uſed.] Affirmation of a Quaker.

When the affidavit is ſworn, you carry it to the bankrupt office, where the party ſuing for the commiſſion enters into a bond to the Lord Chancellor

in 200 *l.* penalty to prove his debt, and the perſon a bankrupt.

Form of the Bond.

Bond. Know all men by theſe preſents, that we *J. N. J. E.* and *M. P.* all of *Cheapſide*, *London*, merchants and partners, are held and firmly bound to the right honourable *Philip* Lord *Hardwicke*, Baron of *Hardwicke*, Lord High Chancellor of *Great Britain*, in the ſum of 200 *l.* of lawful money of *Great Britain*, to be paid to his certain attorney, executors, adminiſtrators or aſſigns, for which payment well and truly to be made, we bind ourſelves, our heirs, executors, and adminiſtrators, and every of them firmly by theſe preſents, ſealed with our ſeals, dated the day of in the year of the reign of our ſovereign lord *George* the by the grace of God of *Great Britain*, *France* and *Ireland*, king, defender of the faith, *&c.* and in the year of our Lord 17

The condition of this obligation is ſuch, that if the above bounden *J. N. J. E.* and *M. P.* ſhall prove as well before the commiſſioners to be appointed in and by a commiſſion of bankrupt againſt *W. N.* and *S. C.* late of *Ironmonger-lane*, *London*, linen-drapers, dealers, chapmen and partners, as upon a trial at law, in caſe the due iſſuing forth of the ſaid commiſſion be conteſted and tried, that the ſaid *W. N.* and *S. C.* are juſtly and truly indebted unto the ſaid *J. N. J. E. and M. P.* in the ſum of 100 *l.* or upwards, and are become bankrupt within the true intent and meaning of the ſeveral

ſeveral ſtatutes made and now in force concerning bankrupts, ſome or one of them. And if the ſaid *J. N. J. E.* and *M. P.* ſhall cauſe the ſaid commiſſion to be executed according to the directions of an act of parliament made in the fifth year of the reign of his late majeſty king *George* the Second, intituled, "An act to prevent the committing of frauds by bankrupts." Then the above written obligation to be void, or elſe to be and remain in full force and effect.

Sealed and delivered (being firſt duly ſtamped) in the preſence of }

This bond muſt be executed in the preſence of two witneſſes who muſt atteſt the ſame. Where there are partners they are all named in the bond, and places left for their ſeals, although it is not uſual for it to be executed by more than one of the partners.

The bond being executed, the clerk of the bankrupts fills up a blank petition in the name of the perſon that makes the affidavit, and annexes the affidavit and bond to the petition, when he prefers the ſame to the Lord Chancellor.

This petition is anſwered in a few days, and you have a commiſſion without any further trouble.

For the form of the petition, ſee title Petitions.

This is called ſtriking a docket, and if the creditor does not proceed to ſeal the commiſſion in four days excluſive, any other creditor may ſtrike a new docket, and obtain the carriage of the commiſſion.

See vol. 1. c. 1. ſ. 1.

The ſolicitor may, if he chuſes, make out the bond and petition himſelf, but it is moſt uſual to have them prepared by the clerk at the bankrupts office.

In a country commiſſion the Solicitor always prepares the bond, and the Maſter extraordinary who takes the petitioning creditor's affidavit of the debt, is uſually one of the witneſſes of the bond.

Upon beſpeaking the commiſſion you muſt leave two guineas with the deputy ſecretary towards the charges, which are theſe:

	l.	*s.*	*d.*
Bond and duty - -	0	10	0
Petition and duty - -	0	7	0
Secretary's fee and filing affidavit	1	2	0
Commiſſion and hanaper fee -	4	18	2
Deputy ſecretary - -	0	5	0
Box - - -	0	1	6
Private ſeal - - -	2	2	0
Journey to Lord Chancellor			
N. B. If it is a private ſeal the ſecretary's fee is - -	1	3	0
Commiſſion and hanaper -	4	18	8

A Commiſſion of Bankrupt.

Commiſſion.

George the third, by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the

faith, &c. to our truſty and well-beloved *William Bumpſtead*, *Henry Hunter*, *Henry Ruſſel*, *Henry Cowper*, Eſquires, and *Richard Hargrave*, Gentleman, greeting. Whereas, we are informed that *John Wilſon*, of, &c. uſing and exerciſing the trade of a merchant, by way of bargaining, exchange, bartering, and chevizance; ſeeking his trade and living, by buying and ſelling, about ſince, did become bankrupt within the ſeveral ſtatutes made againſt bankrupts, to the intent to defraud and hinder *Thomas Abel*, of, &c. and other his creditors of their juſt debts and duties to them due and owing. We, minding the due execution as well of the ſtatute touching orders for bankrupts, made in the parliament begun and holden at *Weſtminſter*, the ſecond day of *April*, in the thirteenth year of the reign of *Elizabeth* late queen of *England*, made and provided; as of the ſtatute made in the parliament begun and holden at *Weſtminſter* aforeſaid, the nineteenth day of *March*, in the firſt year of the reign of the late king *James* the firſt, of *England*, *France*, and *Ireland*, and of *Scotland*, the ſeven and thirtieth, intituled, "An act for better relief of creditors "againſt ſuch as ſhall become bankrupts." And alſo the ſtatute made in the parliament, begun and holden at *Weſtminſter* aforeſaid, the nineteenth day of *February*, in the one and twentieth year of the reign of the ſaid late king *James* the firſt of *England*, *France*, and *Ireland*, and of *Scotland*, the ſeven and fiftieth, intituled, "An act for the further de-"ſcription of a bankrupt and relief of creditors "againſt ſuch as ſhall become bankrupts, and for

" inflicting corporal puniſhments upon the bank-
" rupts in ſome ſpecial caſes," and alſo of the ſtatute made in the fifth year of the reign of king *George* the ſecond, intituled, " An act to prevent the committing of frauds by bankrupts." UPON TRUST of the wiſdom, fidelity, diligence, and provident circumſpection, which we have conceived in you, do by theſe preſents, name, aſſign, appoint, conſtitute and ordain you, our ſpecial commiſſioners, HEREBY giving full power and authority unto you, four or three of you, to proceed according to the ſaid ſtatutes, and all other ſtatutes in force concerning bankrupts, not only concerning the ſaid bankrupt, his body, lands, tenements, freehold, and cuſtomary goods, debts, and all other things whatſoever, but alſo concerning all other perſons, who by concealment, claim, or otherwiſe, do, or ſhall offend, touching the premiſes, or any part thereof, contrary to the true intent and meaning of the ſaid ſtatutes. AND TO DO AND EXECUTE all and every thing and things whatſoever, as well for and towards ſatisfaction and payment of the ſaid creditors, as towards and for all other intents and purpoſes, according to the ordinance and proviſion of the ſame ſtatutes. WILLING and commanding you, four or three of you, to proceed to the execution and accompliſhment of this our commiſſion, according to the true intent and meaning of the ſame ſtatutes, with all diligence and effect. WITNESS ourſelf at *Weſtminſter*, the day of in the year of our reign.

J. Yorke.

If

If the party does not proceed in a town commiſſion in fourteen days after the commiſſion is ſealed, or in a country commiſſion in twenty-eight days, any other creditor may ſuperſede the former commiſſion, and ſtrike a new docket; and during one day after the expiration of the above times, any other ſolicitor is to be preferred to the one who ſtruck the firſt docket.

Of the Meeting to declare the Party Bankrupt.

HAVING got the commiſſion, you muſt employ one of the meſſengers to ſummon a meeting of the major part of the commiſſioners to open the ſame, who, before they proceed to execute the commiſſion, muſt take the oath required by the 5 *G.* 2. *c.* 30.

I *A. B.* do ſwear, that I will faithfully, impartially, and honeſtly, according to the beſt of my ſkill and knowledge, execute the ſeveral powers and truſts repoſed in me as a commiſſioner, in a commiſſion of bankrupt againſt and that without favour or affection, prejudice or malice.

So help me God.

Before the commiſſioners declare the party bankrupt, the petitioning creditor muſt attend and prove his debt; but if he reſides in the country, or is unavoidably abſent, the commiſſioners will receive an office copy of his affidavit made to ground the commiſſion, which is made out at the bankrupt office, on paying for it one ſhilling per folio beſides the duty. But proof muſt be made of the trading and act of bankruptcy by the witneſſes in perſon; their attendance never being diſpenſed with.

Memo-

Memorandums and depoſitions are made of every thing that is done by or proved before the commiſſioners, which are kept together, and called the proceedings under the commiſſion.

Preamble to the Proceedings under the Commiſſion.

At the Roll's *Coffee-houſe, in* Chancery-lane, *14th day of* April, *one thouſand ſeven hundred and eighty-four.*

Depoſitions and Examinations, and other Proceedings, had awarded and taken, under a commiſſion of bankrupt, iſſued againſt *John Wilſon*, late of *Chelmsford*, in the county of *Eſſex*, ſhopkeeper, grocer and chapman.

Memorial of the Commiſſioners, having qualified themſelves to act under the Commiſſion, by taking the Oath purſuant to the Statute.

MEMORANDUM, That we, *William Bumſtead*, *Henry Hunter*, and *Henry Ruſſel*, Eſquires, whoſe names are hereunder written, being the major part of the commiſſioners, named and authoriſed, in and by a commiſſion of bankrupt awarded and iſſued againſt *John Wilſon*, of *Chelmsford*, in the county of *Eſſex*, *ſhopkeeper*, *grocer*, *and chapman*, bearing date at *Weſtminſter*, the 12th day of *April*, inſtant, did perſonally adminiſter to each other, and take the oath preſcribed, or appointed by an act of parliament, made in the fifth year of the reign of his late majeſty king *George* the ſecond, (intituled an act to prevent the committing of frauds by bankrupts) for

Follow the deſcription in the commiſſion.

for commiſſioners to take before they proceed in any commiſſion of bankrupt, before we acted in the execution of the ſaid commiſſion.

William Bumpſtead.
Henry Hunter.
Henry Ruſſel.

Witneſs
John Knight.

Oath to be adminiſtered by the Commiſſioners to the Witneſſes upon their Examination.

You ſhall true anſwer make to all ſuch queſtions as ſhall be put to you, by virtue of this commiſſion, awarded againſt *A. B.* So help you God.

The commiſſioners ſign all memorandums and warrants; but the depoſitions of creditors, choice of aſſignees, and examinations of the bankrupt, and others, are authenticated by their names in the margin.

Proof of the Petitioning Creditor's Debt.

At the Roll's *Coffee-houſe, in* Chancery-lane, *the* 14*th day of* April, *one thouſand ſeven hundred and eighty-four.*

W. B. *Thomas Abel* of the pariſh of St. *Faith* the *Virgin, London*, being ſworn and examined the day and year, and at the place above written, upon his oath ſaith, That *John Wilſon*, the perſon againſt whom this commiſſion of bankrupt is awarded, and iſſued *H. H.* forth, was before the date, and ſuing forth of the ſaid commiſſion, and ſtill is juſtly and Petitioning creditor's debt.

and truly indebted unto him this deponent, in the ſum of two hundred pounds, for
H. R. goods ſold and delivered by this deponent to the ſaid *John Wilſon*.

Thomas Abel.

After the petitioning creditor has proved his debt, you proceed to prove the trading, which, as well as the act of bankruptcy, muſt be eſtabliſhed by witneſſes who are not creditors.

At the Roll's *Coffee-houſe, in* Chancery-lane, *14th day of* April, *one thouſand ſeven hundred and eighty-four.*

W. B. *A. B.* of, *&c.* being ſworn and examined, (being one of the people called *Quakers*, being affirmed and examined) on the day, and year, and at the place above mentioned, before the major part of the commiſſioners named and authoriſed, in and by a commiſſion of bankrupt, awarded and iſſued, and now in proſecution againſt *John Wilſon* of,
H. H. *&c.* upon his oath, (upon his ſolemn affirmation) ſaith, that he hath known the ſaid *John Wilſon*, for the ſpace of three years now laſt paſt, during which time the ſaid *John Wilſon*, did uſe and exerciſe the trade
Banker. and buſineſs of a banker, and as ſuch, was intruſted with the money, goods and effects belonging to other perſons, and merchandized therewith, and ſought and endeavour-
H. R. ed to get his living thereby, as others of the ſame trade and buſineſs uſually do.

A. B.

At

At, &c.

W. B. *A. B.* of, &c. being ſworn and examined, the day and year, and at the place above mentioned, before the major part of the commiſſioners named and authoriſed, in and by a

H. H. commiſſion of bankrupt awarded and iſſued, and now in proſecution, againſt *John Wilſon*, &c. upon his oath ſaith, that the ſaid *John Wilſon* did exerciſe, and carry on the trade and buſineſs of a pawn-broker, and as ſuch received goods and effects by way of pawn, or pledge, and lent monies thereon, and hath ſo done to this examinant's knowledge, for the ſpace of one year, and upwards, now laſt paſt; and did ſeek and endeavour to get his

H. R. livelihood thereby, in the ſame manner as others of that trade and buſineſs uſually do.

Pawn-broker.

A. B.

At, &c.

W. B. *A. B.* of, &c. being ſworn and examined the day and year, and at the place above mentioned, before, &c. upon his oath, ſaith, that he hath known *John Wilſon* of, &c. againſt whom the commiſſion of bankrupt,

H. H. now in proſecution, is awarded and iſſued, for theſe eighteen months laſt paſt; during which time, he did carry on the trade of a merchant, and did trade from this kingdom of *England* to *Ireland*, and divers other places beyond the ſeas, and did ſeek and endeavour

H. R. to get his living thereby, as other merchants uſually do.

Merchant.

A. B.

At,

At, &c.

W. B. *A. B.* of, &c. being ſworn, &c. during which time he carried on, and exerciſed the trade and buſineſs of a broker, in buying and ſelling ſtock, by commiſſion, and procuring *H. H.* inſurances on ſhips, and cargoes for lucre and gain, and ſought and endeavoured to get his livelihood thereby, as others of the ſame trade *H. R.* and buſineſs are uſed to do.

Broker.

C. D.

At, &c.

W. B. *A. B.* of, &c. being ſworn, &c. during which time he uſed and exerciſed the trade *H. H.* of a factor by buying and ſelling goods by commiſſion, and ſought and endeavoured to get his livelihood thereby, as others of the *H. R.* ſame trade uſually do.

Factor.

C. D.

At, &c.

W. B. *A. B.* of, &c. being ſworn, &c. during which time, he carried on the trade or profeſſion of a ſcrivener, and as ſuch, received *H. H.* other men's monies, and eſtates, into his truſt and cuſtody, and made merchandize thereof, and ſought and endeavoured to get his living thereby, in the ſame manner as *H. R.* others of that profeſſion are uſed to do.

Scrivener.

C. D.

At, &c.

W. B. *A. B.* of, &c. being ſworn, &c. during which time he exerciſed the trade or buſineſs *H. H.* of an hoſier, in buying and ſelling ſtockings, and gloves, and ſought and endeavonred to get

Hoſier.

H. R. get his living thereby, as others of the ſame trade are uſed to do.

C. D.

At, &c.

W. B. *A. B.* of, &c. being ſworn, &c. during which time he uſed, exerciſed, and carried on the trade and buſineſs of a ſhoe-maker, by Shoe-maker.
H. H. buying of leather, and working up, and converting the ſame into ſhoes, boots, and ſpat-
H. R. terdaſhes, and ſelling the ſame, when ſo worked up, and converted as aforeſaid, and ſought, &c.

C. D.

At, &c.

W. B. *A. B.* of, &c. being ſworn, &c. during which time he uſed the trade of a taylor, in Taylor.
buying cloth, ſilk, linen, buckram, and other
H. H. materials; and making them up into clothes, and ſelling the ſame, when ſo made up, and
H. R. ſought, and endeavoured to get his living thereby, as others in that trade are wont to do.

C. D.

Where the trade of the bankrupt cannot be otherwiſe conveniently deſcribed, he may be termed, *a dealer and chapman*, which includes all kinds of trading. Dealer and chapman.

After the petitioning creditor's debt, and the trading are eſtabliſhed, the party muſt proceed to prove the act of bankruptcy.

All the depoſitions muſt be ſigned by the witneſſes.

At,

At, &c.

W. B. *A. B.* one of the ſervants of *John Wilſon*; of, &c. the perſon againſt whom the commiſſion of bankrupt now in proſecution, is awarded and iſſued, being ſworn and examined on the day and year, and at the place above mentioned, before the major part of the commiſſioners, in and by the ſaid commiſſion named and authoriſed, upon his oath ſaith, that on *Monday* morning laſt the ſaid *John Wilſon* gave order to this examinant to deny his being at home, in caſe any of

Denial.

H. H. his creditors ſhould come to his houſe to enquire for him; and that after this examinant had received ſuch directions from his ſaid maſter, one Mr. *Abel*, about twelve of the clock of the ſame morning, came to his maſter's houſe, and enquired of this examinant, for the ſaid *John Wilſon*, and told this examinant that he came for money due from the ſaid *John Wilſon*, to him the ſaid *Thomas Abel*. But this examinant denied his being at home, and refuſed to let the ſaid Mr. *Abel* ſee the ſaid *John Wilſon*, (who was then above ſtairs, in his chamber, as this examinant believes) purſuant to the order and direction by him, this examinant received from the ſaid *John Wilſon*. This examinant at the ſame time knowing that

H. R. the ſaid Mr. *Abel* was a creditor of the ſaid *John Wilſon's*.

A. B.

At,

At, &c.

W. B. *A. B.* of, &c. being ſworn and examined on the day and year, and at the place above mentioned, before &c. upon his oath ſaith, That *John Wilſon*, the perſon againſt whom the commiſſion of bankrupt now in proſecution, is awarded and iſſued, did within the ſpace of three months, now laſt paſt, take an apartment or lodgings in *Spring*

H. H. *Gardens*, in the city and liberty of *Weſtminſter*, for the purpoſe of ſcreening himſelf from his creditors, as this examinant verily believes, becauſe the ſaid *John Wilſon* declared to this examinant, that the reaſon of his taking the ſaid apartment or lodgings in *Spring Gardens* was, for fear of his being arreſted by

H. R. his creditors, ſome or one of them for debt, and at the ſame time informed this examinant that the ſaid apartment or lodgings were privileged, they being in the verge of the court. *A. B.*

Verge of the court, ſed. qu.

N. B. It is doubted whether taking a lodging in the verge of the court is an act of bankruptcy, otherwiſe than as it may be evidence of departing from the dwelling houſe.

At, &c.

W. B. *A. B.* of, &c. being ſworn, &c. that *John Wilſon* on the day of departed from, and left his dwelling houſe [or his lodgings

H. H. in this examinant's houſe, and uſual place of habitation] and hath not ſince returned to the ſame, and as this examinant verily believes,

Departing from his dwelling houſe.

H. R. he doth ſecrete himſelf from his creditors for fear of being arreſted by them, or ſome or one of them for debt.

A. B.

At, &c.

W. B. *A. B.* of, &c. being ſworn and examined on the day and year, and at the place above mentioned, before, &c. upon his oath ſaith, that he was preſent, and did ſee *John Wilſon*, of, &c. the perſon againſt whom the commiſſion of bankrupt now in proſecution, is awarded and iſſued, duly ſign, ſeal, and as *H. H.* his act and deed deliver a certain indenture; [here ſet forth a ſhort recital of the material parts of it] and this examinant further ſaith, that the name *John Wilſon* ſubſcribed againſt the ſeal of the ſaid indenture, (now produced to him this examinant, at the time of this his examination, and exhibited to the major part of the commiſſioners, in and by the ſaid commiſſion named and authoriſed) is the proper hand-writing of the *H. R.* ſaid *John Wilſon*; and this examinant further ſaith, that the name of this examinant ſubſcribed to the ſaid indenture as a witneſs to the execution thereof, is of this examinant's own proper hand-writing.

Fraudulent deed.

A. B.

At, &c.

W. B. *A. B.* of, &c. officer to the ſheriff of *Middleſex*, being ſworn and examined the day, &c. before the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt, awarded and iſſued,

and

and now in profecution againſt *John Wilſon*, of, *&c.* on the day and year, and at the place above mentioned, upon his oath ſaith, that on the 4th day of *March* laſt, he this examinant arreſted the ſaid *John Wilſon*, by vir-
H. H. tue of *&c.* and detained him in his cuſtody until the 6th day of *March* next following, when he this examinant, in obedience to his majeſty's writ of *habeas corpus cum cauſa* directed to the ſheriff of *Middleſex*, did conduct the body of the ſaid *John Wilſon* before Sir *Henry Gould*, Knight, one of the
H. R. King's Juſtices of the Bench, at his houſe in *Lincoln's Inn Fields*, in the ſaid county of *Middleſex*, according to the command of the ſaid writ, which ſaid juſtice did then and there receive from him, this examinant, the body of the ſaid *John Wilſon*, and did commit him to the cuſtody of the warden of the Fleet.

Lying in priſon.

A. B.

At, *&c.*

W. B. *A. B.* of, *&c.* gentleman, who executes the office of clerk of the papers of the Fleet priſon, for *John Eyles*, Eſquire, warden of the ſaid priſon, being ſworn and examined the day and year, and at the place above-mentioned, before, *&c.* upon his oath ſaith, that *John Wilſon*, the perſon (as this deponent is informed and believes) againſt whom the commiſſion of bankrupt now in proſecution, is awarded and iſſued, was, on the 6th day of *March* laſt, committed to his majeſty's

Lying in priſon.

priſon of the Fleet, by the honourable Sir *Henry Gould*, knight, one of the juſtices of his majeſty's court of Common Pleas, at *Weſtminſter*, upon a writ of *habeas corpus*
H. H. *cum cauſâ*, directed to the ſheriff of *Middleſex*, who certified and returned to the ſaid writ that the ſaid *John Wilſon* in the ſaid writ named, was, on the 4th day of *March*, in the year of his preſent majeſty's reign, taken and detained by him the ſaid ſheriff, by virtue of a writ of, *&c.* to anſwer *Thomas Abel*, of a plea of treſpaſs upon the caſe to the damage of the ſaid *Thomas Abel*, of 100*l.* which ſaid *John Wilſon* ſo taken and detained as aforeſaid, is, as this examinant is informed and believes, the ſame perſon againſt whom the aforeſaid commiſſion is awarded: and this examinant further ſaith, that the ſaid *John Wilſon* hath ever ſince the day of his ſaid commitment to the priſon of the Fleet aforeſaid, remained and continued
H. R. a priſoner therein at the ſuit of the ſaid *Thomas Abel*, and now is a priſoner there, charged in manner as aforeſaid.

Lying in priſon.

But the certificate of the clerk of the papers, with a depoſition of its being ſigned by him, is the uſual proof given of the lying in priſon two months.

At, *&c.*

W. B. *A. B.* of the city of *London*, merchant, and *John Knight*, of *New Inn*, in the county of *Middleſex*, gentlemen, being ſeverally

ſworn and examined the day and year, and at the place above mentioned, before the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *John Wilſon*, of, *&c.* upon their reſpective oaths ſay; and firſt this examinant, *A. B.* for himſelf ſaith, that on or about the 4th day of *March* now laſt paſt, he this examinant, by virtue of an act of parliament made and paſſed in the fourth year of the reign of his preſent majeſty king *George* the third, intituled, "An Act for preventing inconve- "niences ariſing in caſes of merchants, and "ſuch other perſons as are within the de- "ſcription of the ſtatutes relating to bank- "rupts, being entitled to the privilege of "parliament, and becoming inſolvent," did *H. H.* make an affidavit in his majeſty's court of King's Bench, at *Weſtminſter*, that the ſaid *John Wilſon* was juſtly indebted unto him this examinant in the ſum of 300*l.* and that the ſaid *John Wilſon* was, as this examinant verily believed, a trader within the deſcription of the ſtatutes relating to bankrupts. And this examinant further ſaith, that the ſaid *John Wilſon* hath not paid, ſecured, or compounded the ſaid debt, or entered into any bond to pay ſuch ſum as ſhould be recovered in the action, in purſuance of and according to the directions of the ſaid act of parliament, to the knowledge or belief of this examinant. And this examinant *John Knight*

Privilege of Parliament.

for himſelf ſaith, that he did on the ſaid day of file of record in the ſaid court of King's Bench the ſaid affidavit ſo ſworn by the ſaid other examinant *H. R. A. B.* as aforeſaid. And that he did on the day of ſue out of the ſame court of King's Bench a ſummons againſt the ſaid and on the next day, being the day of now laſt paſt, ſerved him the ſaid perſonally with a copy thereof.

A. B.

John Knight.

Where the ſame witneſs depoſes both to the trading and act of bankruptcy one affidavit is ſufficient.

Depoſition of Trading and Act of Bankruptcy.

At, *&c.*

Trading and act of bankruptcy in one depoſition.

W. B. *A. B.* of, *&c.* gentleman, being ſworn and examined the day and year above written, upon his oath ſaith, that he hath been acquainted with *John Wilſon*, the perſon againſt whom the commiſſion of bankrupt is awarded and iſſued for the ſpace of ten years and upwards, and knows that during ſuch time he the ſaid *John Wilſon* carried on and followed the trade of, *&c.* in aforeſaid, by, *&c.* and thereby ſought and endeavoured to get his livelihood as others of the ſame trade or buſineſs, uſually do. And this

H. H. this deponent further ſaith, that on *Monday* the 4th day of *March*, 1784, the ſaid *John Wilſon* told this deponent that he was afraid of being arreſted by his creditors or ſome of them, and that he muſt be obliged to leave his houſe for fear of being arreſted, and deſired this deponent, who then lived in the houſe with the ſaid *John Wilſon*, not to acknowledge the cauſe of his departure. And this deponent further ſaith, that the ſaid *John Wilſon* did accordingly on the ſame day leave his houſe and abſconded, for fear of *H. R.* being arreſted by his creditors or ſome of them, as this deponent verily believes.

A. B.

If from the evidence produced the commiſſioners are ſatisfied the party is a bankrupt, they will make the following declaration.

At, *&c.*

Declaration of party being a bankrupt.

MEMORANDUM, We whoſe names are hereunder written, being the major part of the commiſſioners named and authoriſed, in and by a commiſſion of bankrupt awarded and iſſued againſt *John Wilſon*, late of, *&c.* (as deſcribed in the commiſſion) having dealt in the ſaid commiſſion; upon good proof upon oath before us this day had and taken, do find that the ſaid *John Wilſon* became a bankrupt within the true intent and meaning of ſome or one of the ſtatutes made and now in force concerning bankrupts, before the date and ſuing forth of the

ſaid commiſſion; and we do therefore declare and adjudge him bankrupt accordingly.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

The following notice muſt be given in the *London* Gazette, and the Solicitor ſhould keep the Gazette among the other proceedings under the commiſſion.

Advertiſement. Whereas a commiſſion of bankrupt is awarded and iſſued forth againſt *Richard Whitlam*, late of *Water-lane, Fleet-ſtreet, London*, but now of *Yedding*, in the county of *Middleſex*, potatoe-merchant, dealer and chapman, and he being declared a bankrupt, is hereby required to ſurrender himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, on the 19th and 26th days of *January* inſtant, and on the 23d day of *February* next, at eleven in the forenoon on each day at *Guildhall, London*, and make a full diſcovery and diſcloſure of his eſtate and effects; when and where the creditors are to come prepared to prove their debts, and at the ſecond ſitting to chuſe aſſignees, and at the laſt ſitting the ſaid bankrupt is required to finiſh his examination, and the creditors are to aſſent to or diſſent from the allowance of his certificate. All perſons indebted to the ſaid bankrupt, or that have any of his effects, are not to pay or deliver the ſame but to whom the commiſſioners ſhall appoint, but give notice to Mr. *Bouſtead*, No. 11, *Fountain-court, Strand.*

Immediately

Immediately upon the commiſſioners declaring the party a bankrupt, they iſſue their warrant for ſeizure of his effects, and the meſſenger by virtue thereof ſeizes the effects, and continues to keep poſſeſſion till the commiſſioners have executed the aſſignment.

Warrant of Seizure.

Warrant of ſeizure.

Whereas his majeſty's commiſſion under the great ſeal of *Great Britain*, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, bearing date at *Weſtminſter*, the day of hath been awarded and iſſued againſt *John Wilſon*, of, *&c.* directed unto us, who have hereunto ſubſcribed our names and ſet our ſeals, together with *Henry Cowper*, Eſquire, and *Richard Hargrave*, Gentleman; and we being the major part of the commiſſioners named and authoriſed by virtue of the ſaid commiſſion, having begun to put the ſaid commiſſion in execution, upon due examination of witneſſes, and other good proof upon oath before us taken, have found that he the ſaid *John Wilſon* did for ſeveral years laſt paſt uſe and exerciſe the trade of in buying, *&c.* in the way of his trade aforeſaid; and have alſo found that he the ſaid *John Wilſon*, by reaſon of ſuch his dealing, became indebted unto *Thomas Abel*, of, *&c.* in the ſum of 200 *l.* and upwards, for And we have alſo found upon good proof upon oath, that the ſaid *John Wilſon* did, before the date and ſuing forth of the ſaid commiſſion become bankrupt, within the true intent and meaning of the

ſeveral

ſaid commiſſion; and we do therefore declare and adjudge him bankrupt accordingly.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

The following notice muſt be given in the *London* Gazette, and the Solicitor ſhould keep the Gazette among the other proceedings under the commiſſion.

Advertiſement. Whereas a commiſſion of bankrupt is awarded and iſſued forth againſt *Richard Whitlam*, late of *Water-lane, Fleet-ſtreet, London*, but now of *Yedding*, in the county of *Middleſex*, potatoe-merchant, dealer and chapman, and he being declared a bankrupt, is hereby required to ſurrender himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, on the 19th and 26th days of *January* inſtant, and on the 23d day of *February* next, at eleven in the forenoon on each day at *Guildhall, London*, and make a full diſcovery and diſcloſure of his eſtate and effects; when and where the creditors are to come prepared to prove their debts, and at the ſecond ſitting to chuſe aſſignees, and at the laſt ſitting the ſaid bankrupt is required to finiſh his examination, and the creditors are to aſſent to or diſſent from the allowance of his certificate. All perſons indebted to the ſaid bankrupt, or that have any of his effects, are not to pay or deliver the ſame but to whom the commiſſioners ſhall appoint, but give notice to Mr. *Bouſtead*, No. 11, *Fountain-court, Strand.*

Immediately

Immediately upon the commiſſioners declaring the party a bankrupt, they iſſue their warrant for ſeizure of his effects, and the meſſenger by virtue thereof ſeizes the effects, and continues to keep poſſeſſion till the commiſſioners have executed the aſſignment.

Warrant of Seizure.

Warrant of ſeizure.

Whereas his majeſty's commiſſion under the great ſeal of *Great Britain*, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, bearing date at *Weſtminſter*, the day of hath been awarded and iſſued againſt *John Wilſon*, of, *&c.* directed unto us, who have hereunto ſubſcribed our names and ſet our ſeals, together with *Henry Cowper*, Eſquire, and *Richard Hargrave*, Gentleman; and we being the major part of the commiſſioners named and authoriſed by virtue of the ſaid commiſſion, having begun to put the ſaid commiſſion in execution, upon due examination of witneſſes, and other good proof upon oath before us taken, have found that he the ſaid *John Wilſon* did for ſeveral years laſt paſt uſe and exerciſe the trade of in buying, *&c.* in the way of his trade aforeſaid; and have alſo found that he the ſaid *John Wilſon*, by reaſon of ſuch his dealing, became indebted unto *Thomas Abel*, of, *&c.* in the ſum of 200 *l.* and upwards, for And we have alſo found upon good proof upon oath, that the ſaid *John Wilſon* did, before the date and ſuing forth of the ſaid commiſſion become bankrupt, within the true intent and meaning of the ſeveral

ſeveral ſtatutes made and now in force concerning bankrupts, ſome or one of them; and we have adjudged and declared him bankrupt accordingly. Theſe are therefore by virtue of the ſaid commiſſion, and the ſeveral ſtatutes therein mentioned, to will and require, authoriſe and impower you, and every of you to whom this our warrant is directed, forthwith to enter into, and open the houſe and houſes of him the ſaid *John Wilſon*, and alſo to enter into all other place and places belonging to him the ſaid *John Wilſon*, where any of his goods are, or are ſuſpected to be, and there ſeize all the ready money, jewels, plate, houſhold ſtuff, goods, merchandizes, books of account, and all other things whatſoever belonging to him the ſaid *John Wilſon*. And ſuch things as you ſhall ſo ſeize, you ſhall cauſe to be inventoried, and appraiſed by honeſt men of ſkill and judgment, and the ſame you ſhall return to us with all convenient ſpeed; and what you ſhall ſo ſeize, you ſhall ſafely detain and keep in your poſſeſſion, until we ſhall give you order for the diſpoſal thereof; and in caſe of reſiſtance, or the not having the key or keys of any door or lock belonging to any place or places of him the ſaid *John Wilſon*, where any of his goods are, or are ſuſpected to be, you ſhall break open or cauſe the ſame to be broke open, for the better execution of this our warrant. Given under our hands and ſeals, this day of in the year of our Lord 1784.

To *David Cadell*, our meſſenger and to his

William Bumpſtead, (L.S.)
Henry Hunter, (L.S.)
Henry Ruſſell, (L.S.)

aſſiſtant

aſſiſtant and alſo to all mayors, bailiffs, conſtables, headboroughs, and all other his majeſty's loving ſubjects, whom we require to be aiding and aſſiſting in the execution of this our warrant as occaſion ſhall require.

Summons for the Bankrupt to ſurrender.

Bankrupt's ſummons.

Whereas a commiſſion of bankrupt on the day of now laſt paſt, iſſued under the great ſeal of *Great Britain*, againſt you *John Wilſon*, by the name and deſcription of *John Wilſon*, of, *&c.* And whereas the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, have declared you to be bankrupt; we the ſaid commiſſioners do hereby ſummon and require you the ſaid *John Wilſon* perſonally to be and appear before the commiſſioners in the ſaid commiſſion named, or the major part of them, on the day of inſtant, at ten in the morning, and on the and days of next, at eleven in the morning, at *Guildhall, London*, then and there to be examined, and to make a full and true diſcovery and diſcloſure of all your eſtate and effects, according to the directions of the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly the ſtatute paſſed in the fifth year of the reign of his late majeſty king *George* the ſecond, intituled "An act to prevent the com-

"mitting

" mitting of frauds by bankrupts;" and herein you are not to fail at your peril. Given under our hands this day of 1784.

William Bumpſtead,
Henry Hunter,
Henry Ruſſell.

To *John Wilſon*,
the bankrupt.

It is uſual for the bankrupt to ſurrender himſelf at the firſt meeting, for the ſake of being protected; but whether if *he ſurrenders at the private meeting he will be protected from that time until he has paſſed his examination*, is a matter of ſome doubt.

First Public Sitting.

THE firſt public meeting is only for the proof of debts and receiving the bankrupt's ſurrender if he chuſes to attend.

Memorandum of the Bankrupt's ſurrender.

Guildhall, London, 27th *July*, 1769.

Examination and other proceedings taken at *Guildhall, London*, this twenty-ſeventh day of *July*, 1769, before the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt, awarded and iſſued againſt *Peter Haſenclever*, late of *London*, but now of *Putney*, in the county of *Surrey*, merchant, bearing date the 12th day of *July*, 1769.

Peter

J. B. *Peter Haſenclever*, late of *London*, but now of *Putney*, in the county of *Surrey*, merchant, (late one of the partners in trade with *Andrew Seton* and *Charles Crofts*, late of *London*, merchants, againſt whom a commiſſion of bankrupt hath been lately awarded and iſſued) did the day and year and place aboveſaid, purſuant to notice in the *London* Gazette for that purpoſe, ſurrender himſelf to the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, and ſubmitted himſelf to be from time to time examined touching the diſcovery of his eſtate *R. F.* and effects, and in all things to conform himſelf according to the directions of the ſeveral acts of parliament made and now in force concerning bankrupts, and particularly the late act of parliament made in the fifth year of his late majeſty's reign, intituled "An "act to prevent the committing of frauds "by bankrupts," and to have the benefit thereof.

Memorandum of Bankrupt's ſurrender.

Peter Haſenclever.

The ſaid *Peter Haſenclever* being ſworn and examined the day and year and at the place aboveſaid, upon his oath ſaith, that he is not at preſent prepared to make a full diſcloſure and diſcovery of his eſtate and effects, *G. H.* and humbly prays a further time for the doing thereof till the next day appointed in the *London* Gazette for that purpoſe.

Peter Haſenclever.

After

After the bankrupt has ſurrendered himſelf, the commiſſioners indorſe a memorandum thereof upon his ſummons, by which he will be protected.

At, &c.

Endorſement on bankrupt's ſummons.

The within named *Peter Haſenclever*, the day and year, and at the place abovementioned, ſurrendered to us whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt the ſaid *Peter Haſenclever*, and ſubmitted himſelf to be from time to time examined touching the diſcovery of his eſtate and effects, and in all things to conform himſelf according to the directions of the ſeveral acts of parliament made and now in force concerning bankrupts, and declared upon his oath that he was not prepared to make a full diſcloſure and diſcovery of his eſtate and effects, and prayed further time for the doing thereof, which was granted to him accordingly by

J. Bennet,
Robert Fawcett,
George Hill.

Qualification of a Commiſſioner.

At *Guildhall.*

Memorandum of a commiſſioner having qualified who had not before acted.

W. B. Be it remembered that *Henry Hunter*, Eſq; one of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt *A. B.* late of &c. grocer, dealer and chapman, did on the day and year, and at the place aboveſaid be-

fore he began to put the ſaid commiſſion into execution, take the oath preſcribed and ſpecified in and by an act of parliament made in the fifth year of the reign of his late majeſty king *George* the ſecond, intituled "An act "to prevent the committing of frauds by *H. R.* "bankrupts," purſuant to the directions of the ſaid act.

Henry Hunter.

Proof by country creditors.

If any of the creditors live in the country, they may make an affidavit of their debt before a maſter in chancery extraordinary, and ſend the affidavit to their agent in town, who muſt attend the commiſſioners at one of the public meetings with the ſame, when it muſt be exhibited and filed among the proceedings.

Form of an Exhibit.

Guildhall, &c.

Exhibit. Exhibited to us under the commiſſion againſt *A. B.*—This is ſigned by the commiſſioners.

In drawing affidavits to be ſworn in the country care ſhould be taken fully to explain the conſideration on which the debt aroſe, and alſo to ſpecify the ſecurities in the hands of the creditor, the ſame as in depoſitions where the party is preſent, for if any doubt ariſes, the party not being preſent to explain it, his debt is only admitted as a claim, by which means country creditors frequently loſe the opportunity of voting in the choice of aſſignees.

Country creditors may by letter of attorney authoriſe another perſon to vote for them in the choice of

of assignees, to sign the certificate, and to receive dividends. In the two first cases it is necessary to have an affidavit of the due execution of the letter of attorney, and the affidavit and letter of attorney are exhibited to the commissioners and filed among the proceedings, in the latter case it is usual to leave the power of attorney with the person who pays the dividend.—See the form of the letter of attorney infra.

The creditor himself must either in person or by affidavit prove his debt, no agent or servant being permitted to prove for him; but in case of the creditor's absence, an agent or servant may attend and make a claim. So a creditor if he is not prepared to prove may attend in person and make a claim.

Form of a Claim.

By a Creditor.

Claim. *W. B.* *G. H.* of, *&c.* merchant, claims a debt of *H. H.* 100*l.* due to the said *G. H.* from *A. B.* the *H. R.* bankrupt for goods sold and delivered.

G. H.

By a servant.—

W. B. *C. D.* clerk to *G. H.* of, *&c.* claims a *H. H.* debt of 100*l.* due to the said *G. H.* from *H. R.* *A. B.* the bankrupt, for goods sold and delivered.

C. D.

DEPOSITION

DEPOSITION of CREDITORS.

For Goods ſold and delivered.

Guildhall, London, 3d. Aug. 1769.

J. B. *William Tatnall* of *Ironmonger Lane, London*, warehouſe-man, being ſworn and examined, the day and year, and at the place abovementioned, upon his oath ſaith, That *Peter Haſenclever*, the perſon againſt whom this commiſſion of bankrupt is awarded and iſſued forth, as being one of the partners, *&c.* was at and before the date and iſſuing forth of the ſaid commiſſion, and *R. F.* ſtill is, juſtly and truly indebted unto this deponent and *William Tatnall*, his ſon and partner, in the ſum of 707*l.* 14*s.* 3*d.* for goods ſold and delivered, for which ſaid ſum of 707*l.* 14*s.* 3*d.* or any part thereof, he this deponent hath not, nor hath his ſaid *G. H.* partner, nor any other perſon to their uſe, to his knowledge or belief, received any ſecurity or ſatisfaction whatſoever. Goods ſold.

William Tatnall.

By a ſurviving Partner for Goods ſold.

J. B. *R. W.* of, *&c.* being ſworn, *&c.* That the ſaid *Joſeph Greenway* was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent, as ſurviving partner of *William Barwell*, deceaſed, in the ſum of *R. F.* 100*l.* for goods ſold and delivered by this deponent and his ſaid partner in his life-time to the ſaid bankrupt, and for which ſaid ſum, By ſurviving partner. Goods ſold.

or any part thereof, this deponent hath not
G. H. received, nor did his ſaid partner in his life-time, nor any other perſon to his or their uſe, to the knowledge and belief of this deponent, receive any ſecurity or ſatisfaction whatſoever. *R. W.*

On a Note of Hand.

J. B. *Thomas Wagſtaff* of, &c. being ſworn, &c. that *Peter Haſenclever*, the perſon, &c. was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of and upwards, for money lent by this deponent to the ſaid *Peter Haſenclever* before
R. F. he became bankrupt, for which ſaid ſum of or any part thereof, he this deponent hath not, nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever, ſave and except a promiſſory note dated the under the hand of the ſaid *Peter Haſenclever*, whereby he pro-
G. H. miſes to pay this deponent or order, two months after date, the ſum of

Thomas Wagſtaff.

Promiſſory note.

This is the mode of drawing the depoſition where the creditor himſelf gave value to the bankrupt for the note or bill. Where the creditor gave value to a third perſon, the form is different. See the next precedent.

On a Note of Hand made by the Bankrupt, and endorſed to Deponent by a third Perſon.

J. R. *S. C.* of, &c. being ſworn, &c. That the ſaid

ſaid *Joſeph Greenway* was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of 54*l.* upon a promiſſory note under his hand, dated the 3d day of *June* 1787, given by the ſaid *R. F.* bankrupt, to one *Richard Gowland* for 54*l.* payable to him or order three months after date; which note the ſaid *Richard Gowland* indorſed to *Moſes Moravia*, who indorſed the ſame to this deponent for goods ſold and delivered by this deponent to the ſaid *Moſes Moravia*, and money paid by him on account of the ſaid note to that amount, and for which ſaid ſum of 54*l.* or any part thereof, this deponent hath not, nor hath any perſon to his uſe, received any ſecurity or *G. H.* ſatisfaction whatſoever, ſave and except the ſaid note. *S. C.*

Promiſſory note endorſed to creditor by a third perſon.

For Wages.

J. B. *J. L.* of, *&c.* being ſworn, *&c.* That the ſaid *Joſeph Greenway* was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted *R. F.* to this deponent in the ſum of 13*l.* 1*s.* for wages due from the ſaid bankrupt to this deponent, and for which ſaid ſum of 13*l.* 1*s.* or any part thereof, this deponent hath not, *G. H.* nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever. *J. L.*

Wages.

On a Bill of Exchange.

J. B. *William Blake*, of, *&c.* being ſworn, *&c.* ſaith, That *P. H.* the perſon, *&c.* was at and

Bill of exchange.

before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of, &c. and upwards, for money lent by this deponent to
R. F. the ſaid *P. H.* before he became bankrupt, for which ſaid ſum, or any part thereof, he this deponent hath not, nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever, ſave and except a certain bill of exchange dated the and drawn by the ſaid *P. H.* upon and accepted by and by the ſaid *P. H.* endorſed and de-
G. H. livered to this deponent.

William Blake.

On a Bill of Exchange endorſed to Creditor by a third Perſon.

J. B. *William Blake* of *Blandford* in the county of *Dorſet*, mercer, being ſworn, &c. That *Richard Enchmarch*, and *Francis Enchmarch*, the perſons againſt whom the commiſſion of bankrupt is awarded and iſſued, were at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill are, juſtly and truly indebted to this deponent in the ſum of ſeven hundred and forty pounds upon two bills of exchange, both drawn by the ſaid bankrupts,

Bill of exchange endorſed to a creditor by a third perſon.

R. F. on *Henry Uthoff* Eſquire and Co. merchants, *London*, and accepted by them, and both payable ſixty days after date, to Meſſrs. *John Tozer* and Co. or order; one of them for the ſum of three hundred pounds, and the other for the ſum of four hundred and forty pounds, for value in account, both of which

ſaid

ſaid bills of exchange are dated the twenty-eighth day of *March* 1761, and reſpectively indorſed by the ſaid Meſſrs. *John Tozer* and Co. and by them delivered to this deponent for goods ſold and delivered by this deponent to the ſaid Meſſrs. *John Tozer* and Co. and money paid to them on account of the ſaid
G. H. bills of exchange, to the full amount of the ſaid bills of exchange, deducting the legal diſcount, and for which ſaid ſum, or any part thereof, this deponent hath not, nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever except the ſaid bills of exchange. *William Blake.*

For Money lent.

J. B. *William Blake* of, &c. being ſworn, &c. that *P. H.* the perſon againſt whom the commiſſion of bankrupt is awarded and iſſued, was at and before the date and iſſuing forth Money lent.
of the ſaid commiſſion, and ſtill is, juſtly and
R. F. truly indebted to this deponent in the ſum of, &c. for money lent and advanced by this deponent to and for the uſe of the ſaid bankrupt, for which ſaid ſum of, &c. or any part thereof, he the ſaid deponent hath not, nor hath any perſon to his uſe, received any
G. H. ſecurity or ſatisfaction whatſoever.
William Blake.

Depoſition of an Inſurance Broker.

J. B. *George Dallas*, of *London*, inſurance broker, being ſworn, &c. that *Peter Haſenclever*, the perſon againſt whom this commiſſion of bankrupt is awarded and iſſued forth, as

being one of the partners, &c. was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly in-

R. F. debted unto this deponent and *David Hodges* this deponent's partner, in the ſum of 186 *l.* 18 *s.* 10 *d.* on the balance of accounts

Money paid. for money paid, laid out and expended by this deponent and his ſaid partner, for which ſaid ſum of 186 *l.* 18 *s.* 10 *d.* or any part thereof, he this deponent hath not, nor hath

G. H. his ſaid partner, nor any other perſon for their uſe, to his knowledge or belief, received any ſecurity or ſatisfaction whatſoever.

George Dallas.

For an Attorney's Bill.

J. B. *John Knight* of, &c. being ſworn, &c. that *Peter Haſenclever*, the perſon, &c. was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of

Attorney's bill. for buſineſs done, and monies laid out

R. F. and expended by him this deponent as an attorney, in and about the affairs and buſineſs of the ſaid *Peter Haſenclever*, before he became bankrupt; for which ſaid ſum of

G. H. or any part thereof, he this deponent has not, nor hath any other perſon to his uſe, received any ſecurity or ſatisfaction whatever.

John Knight.

For Money lent and Premiums of Inſurances.

J. B. *Samuel Wilſon*, the younger, of *London*, merchant, being ſworn, &c. That *Peter Haſenclever*,

clever, the perſon againſt whom this commiſſion of bankrupt is awarded and iſſued forth, as being one of the partners, *&c.* was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of 508*l.* 10*s.* 9*d.* on the balance of accounts of money lent and for premiums on inſurances, for which ſaid ſum of 508*l.* 10*s.* 9*d.* or any part thereof, he this deponent hath not, nor hath any perſon for his uſe, received any ſecurity or ſatisfaction whatſoever, ſave and except a promiſſory note under the hand of the ſaid *Andrew Seton* for 508*l.* 9*s.* 8*d.* payable two months after date to Meſſrs. *Haſenclever*, *Seton*, and *Croſts*, and by them indorſed to this deponent, which ſaid note is dated the 15th day of *September*, 1766.

Money lent.

Premiums on inſurances.

R. F.

G. H.

Samuel Wilſon, jun.

Upon a Policy of Inſurance.

Alexander Anderſon, of *London*, merchant, being ſworn, *&c.* That *Peter Haſenclever*, the perſon *&c.* was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of by virtue of a policy of inſurance made out in the names of and ſubſcribed by the ſaid *Peter Haſenclever*, on or about the and before he became bankrupt, for the ſum of

Policy of inſurance.

J. B.

upon goods loaden or to be loaden on board the ſhip *Fortitude*, *A. B.* maſter, for a voyage at and from *Jamaica* to *London*, at premium, and in caſe of loſs to abate 2 *per cent.* And by the ſaid policy it was and is agreed that the ſaid goods and merchandizes ſhould be valued at 150*l.* and no other or further proof of intereſt ſhould be required than by the ſaid policy. And the aſſurers thereby agreed that the production of the ſaid policy ſhould be a ſufficient proof, not only of the amount
R. F. or value of the intereſt as therein before agreed, but alſo of the property of the aſſured in the ſaid goods, without any other evidence whatſoever; and it was and is by the ſaid policy further agreed, that in caſe the ſhip and cargo were or ſhould be diſpoſed of at *Jamaica*, to return pounds *per cent.* warranted to depart with convoy. And this deponent further ſaith, that the ſaid ſhip in the due proſecution of her voyage for *London*, was loſt on the by means whereof an average loſs accrued on the ſaid policy, which ſaid average loſs the other underwriters, on the day of adjuſted and ſettled at *per cent.* by ſubſcribing their names to an indorſement on the back of the ſaid policy in the words and figures following, *&c.* And this deponent further ſaith, that the ſaid *Peter Haſenclever* is indebted to this examinant in the ſum of

in reſpect to the ſaid loſs ſo adjuſted and ſettled at *per cent.* as aforeſaid, for which ſaid ſum of *G. H.* or any part thereof, this deponent hath not, nor hath any perſon to his uſe, had or received any ſecurity or ſatisfaction whatſoever, ſave and except the ſaid policy.

Alexander Anderſon.

Depoſition of a Country Creditor, ſworn before a Maſter Extraordinary in Chancery.

In the matter of *Richard Enchmarch* and *Francis Enchmarch*, Bankrupts.

Henry Lane, formerly of *Penzance* in the county of *Cornwal*, but now of *Tiverton* in the county of *Devon*, clerk, maketh oath that *Richard Enchmarch*, and *Francis Enchmarch* of *Tiverton* aforeſaid, merchants and partners, againſt whom a commiſſion of bankrupt hath been lately awarded, were at and before the date and ſuing forth of the ſaid commiſſion, and ſtill are, juſtly and truly indebted to this deponent in the ſum of one hundred pounds for principal money lent by this deponent before that time to the ſaid *Richard* and *Francis Enchmarch*; and in the ſum of three pounds for intereſt for the ſame. And this deponent ſaith, that he hath not, nor hath any perſon to his uſe, had or received any manner of ſatisfaction or ſecurity whatſoever for all or any part of the ſaid one hundred pounds and intereſt,

tereſt, other than and except one bond or obligation *, bearing date the fifth day of *Auguſt*, one thouſand ſeven hundred and fifty-five, given and entered into by the ſaid *Richard Enchmarch* and *Francis Enchmarch*, unto this deponent, in the penal ſum of two hundred pounds,

On a bond.

Henry Lane.

Sworn at *Tiverton* aforeſaid, this thirteenth day of *May*, 1761, before me *James Kirkpatrick*, a Maſter Extraordinary.

20th *May* 1761 exhibited to us *T. Burrel*, *Al. Wedderburn*, *El. Woodcock.*

On a Judgment.

J. B. *William Blake* of, &c. being ſworn, &c. That *Peter Hanſenclever*, the perſon, &c. was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto him this deponent in the ſum of before he became bankrupt, for damages and coſts recovered by this deponent, in his Majeſty's court of King's Bench, at *Weſtminſter*, in or about

On judgment.

R. F. term laſt, againſt the ſaid bankrupt, in an

* The bond or note, &c. muſt be ſent with the affidavit to be exhibited under the commiſſion, otherwiſe the debt cannot be proved.

 action

action upon the caſe for promiſes, for which ſaid ſum of or any part thereof, this deponent hath not, nor hath any perſon to his uſe, received any ſatisfaction or ſecurity whatſoever, ſave and except the ſaid judgment in the ſaid court of King's Bench, ſigned on or about the day of
G. H. and entered on the roll, N°

William Blake.

Depoſition on a Mortgage.

J. B. *John Wilſon*, of, *&c.* being ſworn, *&c.* That *Peter Haſenclever*, the perſon, *&c.* was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of *&c.* for money lent and advanced by this
R. F. deponent to the ſaid bankrupt, for which ſaid ſum of or any part thereof, he this deponent hath not, nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever, ſave and except one indenture of mortgage bearing date the day of for the payment of on the which ſaid mortgage this examinant doth hereby ſurrender and give up
G, H. for the benefit of the creditors claiming or ſeeking relief under the ſaid commiſſion.

On mortgage.

John Wilſon.

If the creditor does not chuſe to give up his mortgage or pledge, he muſt apply to the Commiſſioners to have the premiſes or things pledged ſold, and to be permitted to prove for the reſidue.

On

On a Decree.

J. B. *William Blake* of, &c. being ſworn, &c. That *Peter Haſenclever*, the perſon, &c. was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto him this deponent in the ſum of , decreed to this examinant by a decree of the high Court of Chancery, dated *R. F.* the day of now laſt paſt, pronounced before the ſaid *Peter Haſenclever* became bankrupt, in a cauſe depending in the ſaid court, wherein he this deponent is complainant, and the ſaid bankrupt is defendant, for which ſaid ſum of or any part *G. H.* thereof, he this deponent hath not, nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever.

Decree in equity.

William Blake.

Depoſition by a Bankrupt and his Aſſignees.

J. B. *A. B.* late of, &c. againſt whom a commiſſion of bankrupt is awarded and iſſued, and now in proſecution, and *Thomas Abel* of, &c. and *William Blake* of, &c. joint aſſignees of the eſtate and effects of the ſaid bankrupt, being ſeverally ſworn and examined, the day and year, and at the place aforeſaid, upon their reſpective oaths ſay, and firſt this deponent *A. B.* for himſelf ſaith, that *Peter Haſenclever*, the perſon againſt whom this commiſſion of bankrupt is awarded and iſſued forth, as being one of the partners,

By aſſignees.

§ &c.

R. F. &c. is juſtly and truly indebted to the ſaid *Thomas Abel* and *William Blake*, as aſſignees of the eſtate and effects of this deponent, and to the ſaid eſtate and effects, in the ſum of for, &c. by him this deponent before he became bankrupt, which ſaid ſum of or any part thereof, he this deponent hath not received, nor have or hath the ſaid other deponents, or either of them, nor any other perſon, to his knowledge or belief, received the ſaid ſum of money, or any ſecurity or ſatisfaction for the ſame. And theſe deponents, *Thomas Abel* and *William Blake*, upon their ſeveral oaths, each ſpeaking for himſelf reſpectively ſay, that they have not, nor hath either of them, nor hath any perſon for their or either of their uſe, received the ſaid ſum
G. H. of or any part thereof, nor any ſatisfaction or ſecurity for the ſame, to their reſpective knowledge or belief.

A. B.
Thomas Abel.
William Blake.

Depoſition of a Creditor where he has ſold the Debt.

J. B. *David Barclay* of *London*, inſurance broker, and *Alexander Anderſon* of *London*, merchant, being examined the day and year, and at the place aforeſaid. The ſaid *David Barclay* (being one of the people called *Quakers*,) doth ſolemnly, and ſincerely affirm, that *Peter Haſenclever*, the perſon againſt whom this

By the aſſignee of debt.

this commiſſion of bankrupt is awarded and iſſued forth, (as being one of the partners in trade, with *Andrew Seton* and *Charles Crofts* late of *London*, merchants,) was at and before the date and iſſuing forth of the ſaid commiſſion juſtly and truly indebted unto this affirmant in the ſum of fifty-eight pounds one ſhilling, for money paid, laid out, and expended by this affirmant for the ſaid bankrupt and his ſaid partners; and alſo for work and labour, and for which ſaid ſum of fifty-eight pounds one ſhilling, or any part thereof, he this affirmant hath not, nor hath any perſon to his uſe received any ſecurity or ſatisfaction whatſoever, ſave and except from the ſaid *Alexander Anderſon*. And the ſaid *Alexander Anderſon* being ſworn, the day and year,
R. F. and at the place aforeſaid, upon his oath ſaith, that he did before the date and iſſuing forth of the ſaid commiſſion, for a valuable conſideration, purchaſe of the ſaid *David Barclay* the ſaid debt of fifty-eight pounds one ſhilling, and therefore this deponent ſaith, that the ſaid *Peter Haſenclever* was, at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly indebted to this deponent in the ſum of forty-three pounds ten ſhillings and ſeven-pence, this deponent having received the reſidue of the ſaid debt before the date and iſſuing forth of the ſaid commiſſion, for which ſaid ſum of forty-three pounds ten ſhillings and ſeven-
G. H. pence, or any part thereof, he this deponent

nent hath not, nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever.

David Barclay.
Alexander Anderſon.

Depoſition of an Adminiſtratrix.

J. B. *Anne Wilſon* of, &c. widow and adminiſtratrix of all and ſingular the goods and chattels, rights and credits which were of, &c. at the time of his death; being ſworn, &c. That *Peter Haſenclever*, the perſon againſt whom this commiſſion of bankrupt is awarded and iſſued forth, as being one of the partners, &c. was at and before the date *R. F.* and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent in the ſum of for goods ſold and delivered by the ſaid in his life-time, to the ſaid *Peter Haſenclever*, before he became bankrupt, for which ſaid ſum of or any part thereof, *G. H.* this deponent hath not received, nor did the ſaid in his life-time, to her knowledge or belief, nor any other perſon, to the uſe of the ſaid inteſtate or of this deponent, receive any ſecurity or ſatisfaction.

By adminiſtratrix.

Ann Wilſon.

The letters of adminiſtration muſt be produced to the commiſſioners.

By a Quaker.

J. B. *E. C.* being one of the people commonly called *Quakers*, upon his ſolemn affirmation

ſaith,

ſaith, That the ſaid *Joſeph Greenway* was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this affirmant in the ſum of 100 *l.* upon a bill of exchange, dated the 9th day of *February* 17 , drawn by one *Edward Simpſon* on the ſaid *Joſeph Greenway* for 100 *l.* payable to this affirmant or order one month after date; which ſaid bill was given to this affirmant for goods to that amount ſold and delivered by this affirmant to the ſaid *Edward Simpſon* and *J. C.* his partner, and which ſaid bill was accepted by the ſaid *Joſeph Greenway*, and for which ſaid ſum of 100 *l.* or any part thereof, this affirmant hath not, nor hath any perſon to his uſe, received any ſecurity or ſatisfaction whatſoever, ſave and except the ſaid bill of exchange.

Affirmation by a Quaker.

R. F.

G. H.

E. C.

Depoſition where Creditor had before proved a Debt under the Commiſſion.

J. B. *William Watlington*, of *Broad-ſtreet*, *London*, hoſier, being ſworn and examined the day and year, and at the place aforeſaid, upon his oath ſaith, that *Peter Haſenclever*, the perſon againſt whom this commiſſion of bankrupt is awarded and iſſued forth, (as being one of the partners in trade with *Andrew Seton* and *Charles Crofts*, late of *London*, merchants) was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted unto this deponent and *John Hookham*

Further proof.

Hookham and *William Stevens*, his partners, in the ſum of 92*l.* 19*s.* 10*d.* for goods ſold
R. F. and delivered, which, with the ſum of 1000*l.* before proved by this deponent, make together the ſum of 1092*l.* 19*s.* 10*d.* for which ſaid ſum of 1092*l.* 19*s.* 10*d.* or any part thereof, he this deponent has not, nor have his ſaid partners nor either of them, to the knowledge or belief of this deponent, nor any other perſon, to his or their or either of their uſe received any ſecurity or ſatisfaction whatſoever, ſave and except that a debt due from the ſaid *Peter Haſenclever*, *Andrew Seton* and
G. H. *Charles Crofts*, to this deponent and his ſaid partners, hath been proved under a commiſſion of bankrupt awarded and iſſued forth againſt the ſaid *Charles Crofts*.

William Watlington.

Memorandum where no Creditors appeared to prove Debts.

At, *&c.*

J. B. Memorandum, That the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt *W. S.* of, *&c.* met here
R. F. this day, purſuant to notice in the *London Gazette*, but the ſaid bankrupt did not appear to ſurrender himſelf purſuant to ſuch
G. H. notice, nor any creditor to prove or claim any debt under the ſaid commiſſion.

No creditors appearing.

Memorandum in caſe the Bankrupt does not ſurrender at the firſt Meeting.

At, &c.

Memorandum, That we the major part of the commiſſioners, named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *Peter Haſenclever*, of, &c. met the day and year, and at the place abovementioned, purſuant to notice in the *London Gazette* for that purpoſe; but the ſaid *Peter Haſenclever* did not ſurrender himſelf to us, or make any diſcloſure or diſcovery of his eſtate or effects, or ſend any excuſe why he did not.

Bankrupt not ſurrendering at the firſt meeting.

J. Bennett,
Robert Fawcett,
George Hill.

Second Public Sitting.

THIS meeting is for the proof of debts, choice of aſſignees, and to take the bankrupt's ſurrender, if he chuſes to attend.

Country creditors, who cannot conveniently attend in perſon, may empower another perſon by letter of attorney to vote in the choice of aſſignees for them.

Memorandum of the Bankrupt's Appearance at the ſecond Meeting, after having ſurrendered at the firſt.

Guildhall, &c.

J. R. Memorandum, That *Peter Haſenclever*, late

late of *London*, but now of *Putney*, in the county of *Surry*, merchant, the perſon againſt whom this commiſſion of bankrupt hath been awarded and iſſued forth, being ſworn and examined before the major part of the commiſſioners in the ſaid commiſſion named and authoriſed, the day and year above written, appeared again before the major part of the ſaid commiſſioners, and ſubmitted himſelf to be examined by the ſaid commiſſioners; but not being prepared to make a full diſcloſure and diſcovery of his eſtate and effects, deſires further time for the doing thereof, which is granted him accordingly.

Bankrupt's appearance at ſecond meeting.

R. F.

G. H.

Peter Haſenclever.

For the form of depoſitions for the proof of debts, ſee the proceedings at the firſt public ſitting.

All creditors who have proved debts of 10*l.* and upwards are entitled to vote in the choice of aſſignees, which is determined by the majority in value of thoſe who vote.

Memorandum of the Choice of Aſſignees.

Guildhall, London, Aug. 3, 1769.

Memorandum, This being the day appointed in the *London Gazette*, for the choice of aſſignees of the eſtate and effects of *Peter Haſenclever*, the perſon againſt whom this commiſſion of bankrupt is awarded (as having been one of the partners in trade with

Memorandum of choice of aſſignees.

J. B.

Andrew Seton and *Charles Crofts*, late of *London*, merchant); we, whoſe names are here-
R. F. under written, being the major part of the creditors of the ſaid *Peter Haſenclever* preſent at this meeting, and who have proved our debts to be 10*l.* and upwards, have choſen, and do hereby nominate and chuſe *Andrew Deviſme*, *Miles Nightingale*, *John Berens*, *Alexander Anderſon*, and *William Watlington*, all of *London*, merchants, to be aſſignees of the eſtate and effects of the ſaid *Peter Haſenclever*. And we do hereby deſire
G. H. the commiſſioners to make an aſſignment thereof to them accordingly.

William Tutnal, for Self and Son.
Alexander Anderſon, for Self and Co.
William Watlington.

We accept of the ſaid truſt, and promiſe to execute a counter-part of the ſaid aſſignment.

Alex. Anderſon,
John Berens,
Wm. Watlington,
Andrew Deviſme,
Miles Nightingale.

Be it remembered, That before the above creditors of the ſaid bankrupt proceeded to the choice of the above aſſignees, the major part in value of the creditors preſent at ſuch meeting did direct, that when the monies ariſing by, and to be received from time to time out of the ſaid bankrupt's eſtate, ſhould amount to 100*l.* and upwards, the ſame ſhould

Money to be placed with a banker.

ſhould from time to time be paid in to, and remain with, Meſſrs. *B. S.* and Co. bankers in *London*, in the name of the ſaid aſſignees, until the ſame ſhould be divided among the creditors. See Lord Loughborough's order, 8th March, 1794.

Memorandum of the Adjournment of the choice of Aſſignees.

At, *&c.*

Memorandum, That this being the day appointed purſuant to notice in the *London Gazette* for the choice of aſſignees, under the commiſſion of bankrupt awarded and iſſued againſt *A. B. &c.* we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, met the day and year and at the place above mentioned, purſuant to ſuch notice, to take the proof of debts, and for the choice of aſſignees under the ſaid commiſſion, but the creditors preſent being deſirous that the ſaid choice of aſſignees ſhould be adjourned, we do adjourn the ſame until at this place, at o'clock of the ſame day.

J. W.
W. C.
R. R.

Memorandum of the Commiſſioners executing an Aſſignment, and of having taxed the Solicitor's and Meſſenger's Bills.

At, *&c.*

Memorandum, That we whoſe names are hereunder written, being the major part of the commiſſioners Memorandum of executing aſſignment.

miſſioners named and authorized in and by a commiſſion of bankrupt, awarded againſt *Peter Haſenclever*, late of *London*, but now of *Putney*, in the county of *Surry*, merchant, (as having been one of the partners in trade with *Andrew Seton* and *Charles Crofts*, late of *London*, merchants) met at the place and time above mentioned, and executed an aſſignment of the ſaid bankrupt's eſtate and effects to *Andrew Deviſme*, *Miles Nightingale*, *John Berens*, *Alexander Anderſon*, and *William Watlington*, of *London*, merchants, the aſſignees appointed and choſen by the creditors of the ſaid bankrupt's eſtate and effects; and at the ſame time and place taxed and allowed the petitioning creditor's bill of coſts, at £. and the meſſenger's bill, at £.

For the form of aſſignments, and bargain and ſale, ſee *infra*.

The ſolicitor's bill, taxed by the commiſſioners, is to contain all his charges up to the choice of aſſignees. It is impoſſible to frame a precedent adapted to the expences of every commiſſion, but the common charges are as follow:

Solicitor's Bill of Fees on ſuing out a Commiſſion.

This bill only includes the ordinary expences; extraordinary expences muſt be charged and allowed according to the exigency of the caſe.

	£.	s.	d.
Taking inſtructions for commiſſion -	0	13	4
Drawing and ingroſſing affidavit of debt, duty, and oath - - - - -	0	7	6

Petitition

Petition for commiſſion - - -	0	13	0
N. B. It is better to inſert the amount of the office bill, inſtead of ſtating the articles ſeparately, and to produce the bill to the commiſſioners as a voucher.			
Solicitor's fee on ſuing out the commiſſion - - - - -	1	0	0
Paid commiſſioners on opening the commiſſion - - - - -	3	0	0
Solicitor's fee - - - -	1	0	0
Proviſional aſſignment (only to be made in caſes of actual neceſſity) -	1	0	0
Counterpart - - - -	1	0	0
Parchment and duty, what the ſolicitor actually pays, which is now - -	1	0	0
Paid commiſſioners executing the ſame	3	0	0
Solicitor's fee - - - -	1	0	0
Paid commiſſioners 1ſt ſitting at *Guildhall* - - - - -	3	0	0
Solicitor's fee - - - -	1	0	0
Paid commiſſioners ſecond ſitting -	3	0	0
Solicitor's fee - - - -	1	0	0
* Drawing aſſignment - - -	1	0	0
* Counterpart - - - -	1	0	0
Parchment and duty, what the ſolicitor actually pays, which is now - -	1	0	0
Paid commiſſioners executing the ſame	3	0	0
Solicitor's attending thereon - -	1	0	0
When there is a bargain and ſale -	1	10	0
Counterpart - - - -	1	10	0

* Some liſts of commiſſions allow £. 1 10.

Parchment and duty, what the ſolicitor pays, which is now - - -	1	6	0
Commiſſioners executing bargain and ſale	3	0	0
Solicitor's attendance thereon - -	1	0	0
Aſſignment after proviſional aſſignment	2	0	0
Counterpart - - - -	2	0	0
Parchment and duty, what the ſolicitor pays, which is now - - -	2	0	0

When the bill has been peruſed and allowed by the commiſſioners, the ſolicitor muſt underwrite the following order for payment thereon, *viz.*

At, *&c.* 2d day of *June*, 1780.

Memorandum of allowing the bill.

We, whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *Francis Gibbons*, of, *&c.* having inſpected the above bill of charges and diſburſements, do tax and aſcertain the ſame at the ſum of

And we do hereby direct and order *John Partridge* and *Charles Dennis*, the aſſignees of the eſtate and effects of the ſaid bankrupt, to pay the ſum of

out of the firſt monies or effects of the ſaid bankrupt, that ſhall be got in and received under the ſaid commiſſion. Witneſs our hands, the day and year, and at the place above-mentioned.

Sylveſter Douglas,
Iſaac Bargrave,
William Munn.

The

The Office Bill.

Bond and duty	0	10	0
Petition for commiſſion and duty	0	7	0
Secretary's fee and filing affidavit	1	2	0
Commiſſion and Hanaper fee	4	18	2
Deputy ſecretary	0	5	0
Tin box	0	1	6
If a private ſeal	2	2	0
Meſſenger when the chancellor is in the country	2	2	0
Office copy of the petitioning creditor's affidavit when wanted	0	3	2

Meſſenger's Bill.

Summoning and attending commiſſioners, and room	0	13	0
Warrant of ſeizure and ſtamp	0	6	0
Executing warrant of ſeizure	0	13	4
If more than one poſſeſſion is taken, executing the warrant of ſeizure in other places, each	0	6	8
Advertiſement in the Gazette	0	17	0
Summoning the bankrupt	0	5	0
The ſame allowance for every bankrupt, where more than one.			
Gazette, what actually paid.			
Summoning and attending commiſſioners, and paid hall, firſt ſitting	0	9	8
D° choice of aſſignees	0	9	8
The ſame to execute aſſignment	0	9	8
D° bargain and ſale	0	6	8

Inventory,

Inventory, half a guinea a day, and do. for aſſiſtant.

Poſſeſſion 5*s.* a day, except the firſt, which is included in the charge of executing the warrant.

If poſſeſſion is kept in more than one place, 3*s.* 4*d.* per day is to be allowed for all but the firſt place, for which the allowance is 5*s.* per day as above ſtated.

There muſt be proper dates, and the like order of the commiſſioners for payment of the meſſenger's bill, as on the clerk to the commiſſion's bill; *mutatis mutandis.*

Third Public Sitting.

AT this meeting debts are proved and claimed, and the bankrupt paſſes his laſt examination.

The Bankrupt's laſt Examination.

At, *&c.*

A. B. late of, *&c.* merchant, the perſon againſt whom the commiſſion of bankrupt *W. B.* now in proſecution is awarded and iſſued, being come before the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, in order to make a full diſcovery and diſcloſure of his eſtate and effects, purſuant to notice in the *London*

Laſt examination.

don Gazette for that purpoſe given, and being ſworn and examined the day and year and at the place aboveſaid, upon his oath ſaith, that the ſeveral books following, that is to ſay, *&c.* ſeverally marked with the letters *A. B. &c.* and which are now produced and delivered up by this examinant, together with the goods and things ſeized by and under the ſaid commiſſion, and the books, papers, and writings, ſecurities for money, goods, and effects, delivered up by this examinant to the aſſignees choſen under the ſaid commiſſion, together alſo with a gold watch and £. in money, do contain and are a full and true diſcloſure and diſcovery of all this examinant's eſtate and effects, both real and perſonal, *and how and in what manner, to whom and upon what conſideration, and at what time or times, he hath diſpoſed of, aſſigned, or transferred any of his goods, wares, merchandizes, money, or other eſtate and effects; and all books, papers, and writings relating thereto, of which he was poſſeſſed, or in or to which he was any ways intereſted or entitled, or which any perſon or perſons had or hath, or have had in truſt for him, or to his uſe, at any time before or after the iſſuing of the ſaid commiſſion, or* whereby this examinant or his family hath or may have or expect any profit, poſſibility of profit, benefit, or advantage whatſoever, (except only ſuch part of his eſtate and effects

Theſe words ſeem better omitted.

fects as have been really and *bonâ fide* before ſold and diſpoſed of in the way of his trade and dealings, and except ſuch ſums of money as have been laid out in the ordinary expence of himſelf and family). And this examinant further ſaith, that at the time of this his examination he has delivered up to
H. H. the ſaid commiſſioners in the ſaid commiſſion named, or the major part of them, or unto the aſſignees choſen under the ſaid commiſſion, all ſuch part of his goods, wares, merchandizes, money, eſtate, and effects, and all books, papers, and writings relating thereto, as are now in his cuſtody, poſſeſſion, or power, his neceſſary wearing apparel, and the neceſſary wearing apparel of his wife and children, only excepted. And this examinant ſaith, that he hath not removed, concealed, or embezzled any part of his eſtate, real or perſonal, nor any books of accounts, papers, or writings,
H. R. relating thereto, with an intent to defraud his creditors.

A. B.

Memorandum, The above-mentioned gold watch, and £. in money, were, by conſent of the creditors preſent, returned to the bankrupt.

If the bankrupt happens to be a foreigner, and does not underſtand *Engliſh*, it will be neceſſary that he ſhould have the *Engliſh* examination interpreted,

preted, and read to him in the language he understands, by a perſon verſed in both languages, who muſt be firſt ſworn to interpret truly, of which oath and interpretation there muſt be a memorandum made and annexed to the bankrupt's examination. This depoſition may be drawn up in the following form.

At, &c.

James Horne, of, &c. being ſworn and examined, on the day and year, and at the place above-mentioned, before the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *Francis Gibbons*, of, &c. upon his oath ſaith, that he hath faithfully and truly, according to the beſt of this examinant's ſkill and knowledge, interpreted the oath adminiſtered by the ſaid commiſſioners to the ſaid bankrupt. And this examinant further ſaith, that he hath faithfully and truly, according to the beſt of this examinant's ſkill and knowledge, interpreted to the ſaid bankrupt his laſt examination hereunto annexed.

Memorandum of having ſworn an interpreter.

If the bankrupt happens to be a priſoner in execution, then you prepare a memorandum of the commiſſioners adjourning to the priſon, in order to take his examination.

At, &c.

Memorandum, That we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt *John Thomas*, of, &c. met here the day and year, and at the

Memorandum of adjournment to priſon.

the place above-mentioned, purſuant to notice in the *London Gazette*, in order to finiſh the ſaid bankrupt's laſt examination; but the ſaid bankrupt being a priſoner in the King's Bench priſon in execution, we do therefore adjourn to the ſaid priſon of the King's Bench, to take the ſaid bankrupt's examination.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

Memorandum of the Bankrupt's having enlarged his Time for ſurrendering, and making a full Diſcloſure and Diſcovery of his Eſtate and Effects.

At, &c.

Memorandum of time being enlarged.

Be it remembered, That this being the day appointed, purſuant to notice in the *London Gazette*, for *John Thomas*, of, &c. the perſon againſt whom the commiſſion of bankrupt, now in proſecution, is awarded and iſſued, to ſurrender himſelf, and to make a full diſcloſure and diſcovery of his eſtate and effects, and to finiſh his examination under the ſaid commiſſion, we, whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, met the day and year, and at the place above-mentioned, purſuant to ſuch notice; at which time a petition from the ſaid bankrupt (or from the aſſignees in behalf of the ſaid bankrupt), preferred to the Right Honourable the Lord High Chancellor of *Great Britain*, praying that the ſaid bankrupt's time

time for ſurrendering himſelf, and making a full diſcloſure and diſcovery of his eſtate and effects, and to finiſh his examination, might be enlarged (or *further* enlarged) for the ſpace of days, to be computed from this day of inſtant, with his Lordſhip's order thereon for that purpoſe, bearing date the day of laſt, was produced to (or ſerved on) us the ſaid commiſſioners; we the ſaid commiſſioners do therefore defer taking ſuch examination till the ſaid day of next; and we hereby accordingly adjourn to that day, at this place, at o'clock in the forenoon of the ſame day, for that purpoſe.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

The order ſigned by the Chancellor for the enlargement ſhould be filed with the proceedings.

Memorandum of the Adjournment of the Bankrupt's laſt Examination.

At, &c.

Memorandum, That this being the day appointed purſuant to notice in the *London Gazette* for *A. B.* of, &c. the perſon againſt whom the commiſſion of bankrupt now in proſecution is awarded and iſſued, to ſurrender himſelf, and to make a full diſcloſure and diſcovery of his eſtate and effects, and to finiſh his examination under the ſaid commiſſion, we whoſe names are hereunto

ſubſcribed, being the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, met the day and year, and at the place above-mentioned, purſuant to ſuch notice, at which time the ſaid bankrupt appeared, and ſubmitted himſelf, and was examined by us, touching his eſtate and effects, but the ſaid bankrupt not being able ſatisfactorily to anſwer all ſuch queſtions as we have put to him, touching his eſtate and effects, without a further inveſtigation of his books and papers, we do therefore adjourn the ſaid bankrupt's laſt examination until the day of at this place, at o'clock in the forenoon of the ſaid day.

J. W.
W. C.
R. R.

If the bankrupt does not ſurrender himſelf to the commiſſioners by twelve o'clock at night, the meſſenger warns him ſo to do, by the following proclamation made by him in the middle of *Guildhall*.

The Proclamation.

Proclamation.

John Thomas, *John Thomas*, *John Thomas*, come and ſurrender yourſelf forthwith to *William Rumſtead*, *Henry Hunter*, and *Henry Ruſſel*, Eſquires, his Majeſty's acting commiſſioners, named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt you, the ſaid *John Thomas*, the ſaid commiſſioners being now preſent in *Guildhall*, *London*, ready to take your ſurrender; and this you are not in any wiſe to omit,

omit, on pain of death, the punishment by the statute made and now in force concerning bankrupts, in that case on you the said *John Thomas* to be inflicted.

If the bankrupt does not surrender himself after this proclamation and warning, then the commissioners sign the following memorandum.

Memorandum when the Bankrupt does not appear at all.

At, &c.

Be it remembered, That we whose names are hereunto subscribed, being the major part of the commissioners named and authorised in and by a commission of bankrupt, awarded and issued, and now in prosecution against *John Thomas*, of, &c. met together the day and year, and at the place above-mentioned, pursuant to notice in the *London Gazette*, for the said bankrupt to surrender himself to the major part of the commissioners, in and by the said commission named and authorised, and to make a full disclosure and discovery of all his estate and effects, at which time and place the said *John Thomas* did not surrender himself, according to an act of parliament passed in the fifth year of the reign of his late Majesty King *George* the Second, intituled, "An act to prevent the committing of frauds "by bankrupts;" although we attended in expectation of such surrender till past twelve o'clock at night,

Memorandum of bankrupt not surrendering.

night, and although the said bankrupt was warned by proclamation to surrender himself.

William Bumpstead,
Henry Hunter,
Henry Russel.

Provisional Assignment.

Provisional Assignment.

This Indenture, made the day of in the year of the reign of our sovereign Lord *George* the Third, by the grace of God of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith and so forth, and in the year of our Lord Between *William Bumpstead*, *Henry Hunter*, and *Henry Russel*, Esqrs. the major part of the commissioners named and authorised in and by a commission of bankrupt, awarded and issued against of, &c. of the one part, and of, &c. Gent. of the other part. Whereas his Majesty's commission under the Great Seal of *Great Britain*, grounded upon the several statutes, made and now in force concerning bankrupts, bearing date at *Westminster*, the day of in the year of our Lord hath been awarded and issued against the said and directed to *William Bumpstead*, *Henry Hunter*, *Henry Russel*, and *Henry Cowper*, Esqrs. and *Richard Hargrave*, Gent. thereby giving full power and authority to the said commissioners, four or three of them, to execute the same commission, as by the same

ſame commiſſion, relation being thereunto had, more fully and at large it doth and may appear. And whereas, upon the execution of the ſaid commiſſion, it appeared to the major part of the commiſſioners in the ſaid commiſſion authoriſed, upon due examination of witneſſes, and other ſufficient proof upon oath, before them had and taken, that the ſaid did from the month of carry on the trade and buſineſs of a merchant, exporting and importing divers kinds of goods, and did by ſuch trade and buſineſs ſeek and endeavour to get his living, as other merchants uſually do, and in the courſe of his ſaid trade and dealing he became indebted unto of, &c. in the ſum of £. and upwards, for goods ſold and delivered. And whereas the ſaid did, in the judgment of the major part of the ſaid commiſſioners, become bankrupt to all intents and purpoſes, within the compaſs, true intent, and meaning of the ſeveral ſtatutes made, and now in force, concerning bankrupts, or within ſome or one of them, before the date and ſuing forth of the ſaid commiſſion, and they did adjudge and declare him bankrupt accordingly. And whereas the ſaid commiſſioners, parties to theſe preſents, in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, have alſo found out and diſcovered, or it otherwiſe appeared to them, that the ſaid at the time he became bankrupt as aforeſaid, or afterwards, was poſſeſſed of, intereſted in, or well entitled unto ſundry goods, wares, chattels, merchandizes,

dizes, ſtock in trade, houſhold ſtuff, implements of houſhold, bedding, plate, linen, and other things, and that there were alſo divers debts, ſum and ſums of money, due and owing unto him the ſaid and his eſtate from ſeveral perſons: And whereas the ſaid commiſſioners, parties hereto, think it neceſſary, for the better preſerving and ſecuring the eſtate of the ſaid to appoint an aſſignee proviſionally of his eſtate and effects, until choice ſhall be made, by the major part in value of the creditors, of an aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, purſuant to notice to be given in the *London Gazette* for that purpoſe: Now this Indenture witneſſeth, that the ſaid commiſſioners, parties to theſe preſents, for the purpoſe aforeſaid, and in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, and by force and by virtue thereof, and for and in conſideration of the ſum of 5*s.* of lawful money of *Great Britain*, to them the ſaid commiſſioners, parties to theſe preſents, in hand paid by the ſaid at or before the ſealing and delivering of theſe preſents, the receipt whereof is hereby acknowledged, and alſo in conſideration of the covenants herein-after contained, on the part and behalf of the ſaid his heirs, executors, and adminiſtrators, to be kept, done, and performed, Do hereby appoint the ſaid aſſignee of the eſtate and effects of the ſaid and Have alſo ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over, And by theſe preſents Do,

as

as much as in them the said commissioners, parties to these presents, lieth, and they lawfully may, order, bargain, sell, dispose, assign, and set over, unto the said his executors, administrators, and assigns, all and singular the goods, wares, and merchandizes, chattels, stock in trade, debts, sum and sums of money, household stuff, and all implements of household, and other the personal estate whatsoever of the said of which he was possessed or entitled unto, or of which any other person or persons was or were possessed in trust for him, at the time he became bankrupt, or at any time since; To have and to hold, ask, demand, sue for, recover, levy, and receive all and singular the premisses thereby assigned, or mentioned or intended so to be, unto the said his executors, administrators, and assigns, In Trust for the immediate preservation thereof, and to and for the use, benefit, and advantage of all the creditors of the said who have already sought, or shall hereafter, in due time, come in and seek relief under the said commission, according to the several statutes therein mentioned, or some or one of them, and to and for no other use, trust, intent, or purpose whatsoever. And the said doth hereby, for himself, his heirs, executors, and administrators, and for every of them, covenant, promise, and agree, to and with the said commissioners, parties to these presents, their executors and administrators, and to and with every of them, in manner and form following (that is to say) That he the said

his heirs, executors, or administrators, some or one of them, shall and will, as soon as an assignee or assignees of the said bankrupt's estate and effects shall be duly chosen and appointed, pursuant to notice in the *London Gazette*, and when he shall be thereunto required for that purpose, join with the major part of the commissioners named in the said commission in the making an assignment of all and singular the said goods, chattels, debts, sums and sum of money, wares and merchandizes, and all other the premisses herein-before mentioned, or intended to be hereby assigned, unto such person or persons as shall be duly chosen and appointed to be the assignee or assignees of the said bankrupt's estate; and that he the said shall and will also deliver up all the estate and effects of the said bankrupt, as shall or may have come to the hands or possession of him the said or to the hands or possession of any other persons, in trust for him and for his use, unto such person or persons as shall be duly chosen assignee or assignees of the said bankrupt's estate and effects, or otherwise as the said commissioners shall direct or appoint. And further, that he the said his heirs, executors, and administrators, shall and will, from time to time, and at all times hereafter, well and sufficiently save, defend, keep harmless and indemnified, all the said commissioners in and by the said commission named and authorised, their heirs, executors, and administrators, and every of them, their and every of their bodies, lands, tenements, goods, chattels, and estate whatsoever, of, from, and against all

all and all manner of action and actions, ſuits, arreſts, complaints, coſts, damages, and expences whatſoever, which they or any of them ſhall or may ſuſtain, or be put unto, for or by reaſon or means of this preſent deed of aſſignment, or any act or acts to be done or executed by him the ſaid in purſuance, or by virtue of the ſaid commiſſion, or deed of aſſignment reſpectively. In witneſs whereof the ſaid parties to theſe preſents have hereunto interchangeably ſet their hands and ſeals, the day and year firſt above written.

Memorandum of the Commiſſioners having executed a proviſional Aſſignment.

At, &c.

J. B. Be it remembered, That we *J. Bennet*, *Robert Fawcett*, Eſqrs. and *John Hill*, Gent. the major part of the commiſſioners in a commiſſion of bankrupt awarded and iſſued againſt *R. F.* *Richard Enchmarch* and *Francis Enchmarch*, of *Tiverton*, in the county of *Devon*, merchants and partners, met at the time and place above-mentioned, and executed a proviſional aſſignment of the ſaid bankrupt's *G. H.* eſtate and effects to *Robert Brown*, of *Iſlington*, in the county of *Middleſex*, Gent.

Memorandum of having executed proviſional aſſignment.

Aſſignment to Aſſignees after a proviſional Aſſignment.

This Indenture tripartite, made, &c. between of, &c. Gent. of the firſt

Aſſignment to aſſignees after proviſional aſſignment.

part; Eſquire, and Gentlemen, the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt of, &c. of the ſecond part; of, &c. and of, &c. of the third part. Whereas his Majeſty's commiſſion, under the Great Seal of *Great Britain*, grounded upon the ſeveral ſtatutes made, and now in force, concerning bankrupts, bearing date at *Weſtminſter*, the day of in the year of our Lord hath been awarded and iſſued againſt the ſaid and directed to Eſquires, Gentlemen, thereby giving full power and authority to the ſaid commiſſioners, four or three of them, to execute the ſame commiſſion, as by the ſame commiſſion, relation being thereunto had, more fully and at large it doth and may appear. And whereas upon the execution of the ſaid commiſſion, it appeared to the major part of the commiſſioners in the ſaid commiſſion authoriſed, upon due examination of witneſſes, and other ſufficient proof upon oath, that the ſaid did, from the month of carry on the trade and buſineſs of a merchant, by exporting and importing divers kinds of goods, and did by ſuch trade and buſineſs ſeek and endeavour to get his living, as other merchants uſually do; and in the courſe of his ſaid trading and dealing, he became indebted unto

unto of, &c. in the ſum of 100*l.* and upwards, for goods ſold and delivered. And whereas the ſaid did, in the judgment of the major part of the ſaid commiſſioners, become bankrupt to all intents and purpoſes, within the compaſs, true intent, and meaning of the ſeveral ſtatutes made, and now in force, concerning bankrupts, or within ſome or one of them, before the date and ſuing forth of the ſaid commiſſion, and they did adjudge and declare him bankrupt accordingly. And whereas the ſaid commiſſioners, parties to theſe preſents, in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, and by virtue of the ſame, by indenture bearing date the day of and made or mentioned to be made between the ſaid of the one part, and the ſaid of the other part, reciting as herein-before recited. And alſo reciting that the ſaid commiſſioners, parties thereto, in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, had alſo found out and diſcovered, or it otherwiſe appeared to them, that the ſaid at the time he became bankrupt as aforeſaid, or afterwards, was poſſeſſed of, intereſted in, or well entitled unto ſundry goods, wares, chattels, merchandizes, ſtock in trade, houſhold ſtuff, implements of houſhold, bedding, plate, linen, and other things; and that there were alſo divers debts, ſum and ſums of money, due and owing unto the ſaid and his eſtate, from ſeveral perſons. And alſo further reciting, that

that the ſaid commiſſioners, parties thereto, thought it neceſſary, for the better preſerving and ſecuring the eſtate of the ſaid
to appoint an aſſignee proviſionally of his eſtate and effects, until choice ſhould be made, by the major part in value of the creditors, of an aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, purſuant to notice to be given in the *London Gazette* for that purpoſe. It was witneſſed, that the ſaid commiſſioners, parties thereto, for the conſideration therein mentioned, Did thereby appoint the ſaid aſſignee of the eſtate and effects of the ſaid and did alſo, as much as in them lay, and they lawfully might, order, bargain and ſell, diſpoſe, aſſign, and ſet over unto the ſaid
his executors, adminiſtrators, and aſſigns, all and ſingular the goods, wares, and merchandizes, chattels, ſtock in trade, debts, ſum and ſums of money, and all other the perſonal eſtate whatſoever of the ſaid of which he was poſſeſſed or entitled unto, or of which any other perſon or perſons was or were poſſeſſed in truſt for him at the time he became bankrupt, or at any time ſince, To hold, aſk, demand, ſue for, recover, levy, and receive all and ſingular the premiſſes thereby aſſigned, or mentioned or intended ſo to be, unto the ſaid his executors, adminiſtrators or aſſigns; In Truſt for the immediate preſervation thereof, and to and for the uſe, benefit, and advantage of all the creditors of the ſaid who had then ſought, or ſhould then after in due time come in and ſeek relief under

the

the ſaid commiſſion, according to the ſeveral ſtatutes therein mentioned, or ſome or one of them, and to and for no other uſe, truſt, intent, or purpoſe whatſoever, as in and by the ſaid recited indenture, relation being thereunto had, will and may more fully and at large appear. And whereas the ſaid did in and by the ſaid recited indenture of aſſignment covenant and agree to and with the ſaid commiſſioners, parties thereto, their executors and adminiſtrators, and to and with every of them, that he the ſaid his executors or adminiſtrators, or ſome or one of them, ſhould or would, as ſoon as an aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt ſhould be duly choſen and appointed, join with the major part of the commiſſioners authoriſed by the ſaid commiſſion, in aſſigning all and ſingular the ſaid goods, chattels, debts, ſum and ſums of money, wares and merchandizes, and all other the premiſſes in the ſaid recited indenture aſſigned to him, unto ſuch perſon or perſons as ſhould be duly choſen and appointed to be the aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt. And that he the ſaid would deliver up all the eſtate and effects of the ſaid bankrupt as ſhould or might have come to his hands or poſſeſſion, or to the hands or poſſeſſion of any other perſon or perſons, as ſhall be duly choſen aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, or otherwiſe, as the ſaid commiſſioners ſhould direct or appoint, as in and by the ſaid recited indenture may more fully and at large appear. And whereas, at a meeting of the major part of the commiſſioners in

in and by the ſaid commiſſion named and authoriſed, at the *Guildhall* of the city of *London*, this day of
purſuant to notice in the *London Gazette* for that purpoſe given, the major part in value of the creditors of the ſaid then preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to 10*l.* or upwards, did nominate, elect, and chuſe the ſaid
to be aſſignees of the eſtate and effects of the ſaid and deſired an aſſignment thereof to be made to them accordingly, by the ſaid and the ſaid commiſſioners.

Now this Indenture witneſſeth, that the ſaid for and in conſideration of the ſum of 10*s.* of lawful money of *Great Britain*, to him in hand paid by the ſaid
at or before the ſealing and delivering of theſe preſents, in purſuance of the above-mentioned covenant in the above-recited indenture mentioned, by the conſent and direction of the ſaid commiſſioners, parties to theſe preſents, teſtified by their being parties to, and ſealing and delivering hereof, Hath ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over, and by theſe preſents doth order, bargain, ſell, diſpoſe, aſſign, and ſet over unto the ſaid their executors and adminiſtrators, all and ſingular the goods, wares, and chattels, debts, ſum and ſums of money, and all other the perſonal eſtate of which the ſaid was poſſeſſed or entitled unto, or of which any other perſon

perſon or perſons was or were poſſeſſed in truſt for him at the time he became bankrupt, or at any time ſince. And all the right, title, intereſt, property, claim, and demand whatſoever, of him the ſaid of, in, or to the ſame, or any part thereof, as aſſignee of the eſtate and effects of the ſaid And the ſaid commiſſioners, parties to theſe preſents, being the major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, in conſideration of 5 *s.* to them, or one of them, in hand alſo paid by the ſaid Have ratified and confirmed, and by theſe preſents do, as much as in them lieth, and they lawfully may, ratify and confirm unto the ſaid all and ſingular the ſaid goods, wares, and chattels, debts, ſum and ſums of money, and other things, and all the eſtate whatſoever, and whereſoever, of or belonging to the ſaid herein-before ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over by the ſaid party hereto, To have and to hold, aſk, demand, ſue for, recover, levy, and receive the ſaid goods, wares, and chattels, debts, ſum and ſums of money, and other things, and all other the effects whatſoever, of or belonging to the ſaid hereby ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over, or hereby mentioned or intended ſo to be, unto the ſaid their executors, adminiſtrators, and aſſigns. Upon truſt nevertheleſs (that is to ſay) to and for the uſe, benefit, and advantage of all the creditors of the ſaid

who have already ſought, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes in that behalf made and provided, and to and for no other uſe, intent, or purpoſe whatſoever. And the ſaid

do for themſelves ſeverally and reſpectively, and for their ſeveral and reſpective heirs, executors, and adminiſtrators, and not the one for the other of them, or for his act or deed, but each for himſelf ſeparately, and for his own ſeparate act and deed only, covenant, promiſe, and agree to and with the ſaid commiſſioners, parties to theſe preſents, and to and with every of them, by theſe preſents, that they the ſaid their executors, adminiſtrators, and aſſigns, ſhall and will, with all convenient ſpeed, by all lawful and equitable ways and means, uſe their utmoſt endeavours to recover and get in the ſeveral goods, wares, and chattels, debts, ſum and ſums of money, and all the eſtate and effects of the ſaid and after poſſeſſion had and obtained of the ſaid goods, wares, and chattels, debts, ſum and ſums of money, eſtates and effects whatſoever, or any part thereof, ſhall and will ſell and diſpoſe of the ſame, to and for the moſt money and beſt price they can get for the ſame. And further, that the ſaid their executors, adminiſtrators, and aſſigns, ſhall and will, from time to time, and at all times hereafter, upon reaſonable requeſt or notice to them given for that purpoſe, render and give unto the ſaid commiſſioners,

ſioners, parties to theſe preſents, or the major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, and the major part of the commiſſioners to be named in and by any renewed commiſſion, which may be awarded againſt the ſaid at ſuch time and place as they ſhall appoint, a true, juſt, and perfect account in writing under the hands of the ſaid their executors and adminiſtrators, of what, and how much money and other ſatisfaction they the ſaid their executors or adminiſtrators, ſhall have had, recovered, and received by virtue or means of this preſent deed of aſſignment, or otherwiſe, out of the eſtate and effects of the ſaid and ſuch money or other ſatisfaction as upon ſuch account ſhall appear to be had, raiſed, and received by the ſaid their executors or adminiſtrators, they the ſaid their executors or adminiſtrators, ſhall and will well and truly pay, or cauſe to be paid, unto them the ſaid commiſſioners, parties to theſe preſents, or the major part of the ſaid commiſſioners in and by the ſaid commiſſion named, or to the commiſſioners to be named in any ſuch renewed commiſſion, or the major part of them, or to ſuch perſon or perſons as they ſhall appoint, to the end the ſame or other ſatisfaction may be by them the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, or the major part of them, ordered, diſpoſed, diſtributed, and divided unto and amongſt all and every the creditors of

of the ſaid who have already ſought, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes therein mentioned, proportionably, according to the ſeveral debts owing to them ſeverally and reſpectively, from the ſaid

And laſtly, the ſaid do hereby for themſelves, ſeverally and reſpectively, and for their ſeveral and reſpective heirs, executors, and adminiſtrators, and not the one for the other of them, or for his act or deed, but each for himſelf ſeparately, and for his own ſeparate act and deed only, covenant, promiſe, and agree to and with the ſaid commiſſioners, parties to theſe preſents, and to and with every of them their heirs, executors, and adminiſtrators, that they the ſaid their executors and adminiſtrators, ſhall and will, from time to time, and at all times hereafter, well and ſufficiently ſave, defend, keep harmleſs and indemnified the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, or in and by any renewed commiſſion to be named and authoriſed; and alſo the ſaid [*the perſon to whom the proviſional aſſignment was made*] their meſſengers, agents, ſervants, executors, and adminiſtrators, and every of them, their and every of their bodies, lands, tenements, goods, and chattels, of, touching, or concerning all and all manner of action and actions, ſuits, arreſts, troubles, coſts, damages, and expences whatſoever, which they or any of them ſhall ſuſtain or be put unto, for or by reaſon of this preſent

sent deed of assignment, or any other act or acts, thing or things, lawfully done or executed by virtue of the said commission, or the said recited assignment, or their or any of their lawful intermeddling in any of the estate or effects of the said

In witness, &c.

Assignment of a Bankrupt's Estate and Effects from the Commissioners to the Assignees, where there has been no provisional Assignment.

Assignment where there has been no provisional assignment.

This Indenture, made, &c. between *Thomas Coventry*, Esquire, *James Mead*, and *John Grubb*, Gentlemen, the major part of the commissioners named, authorised, and appointed in and by a certain commission of bankrupt, awarded and issued out against *John Thomas*, late of *Bury* in the county of *Suffolk*, shopkeeper, grocer, and chapman, of the one part, and *Thomas Hopkins*, of, &c. grocer, and *Robert Simpson*, of, &c. warehouseman, of the other part. Whereas his Majesty's commission, under the great seal of *Great Britain*, grounded upon the several statutes made and now in force concerning bankrupts, bearing date at *Westminster*, the 8th day of, &c. before the date of these presents, hath been awarded and issued against the said *John Thomas*, directed to the said *Thomas Coventry*, Esquire, *James Mead*, and *John Grubb*, Gentlemen, together with *Joseph Simpson* and *John Soley* the younger, Esquires, thereby giving full power and authority unto them

the ſaid commiſſioners, four or three of them, to execute the ſame, as in and by the ſaid commiſſion, relation being thereunto had, may more fully and at large appear. And whereas the major part of the ſaid commiſſioners have duly qualified themſelves to act in the ſaid commiſſion, by taking the oath required for that purpoſe; and having begun to put the ſaid commiſſion into execution, upon due examination of witneſſes, and other good proof upon oath before them taken, have found that the ſaid *John Thomas* did, for three years and upwards laſt paſt before the date and ſuing forth of the ſaid commiſſion, carry on and follow the trade and buſineſs of a grocer and ſhopkeeper; and during all ſuch time did ſeek and endeavour to get his living by buying of tea, ſugars, and other grocery goods, woollen and linen cloth, clover ſeed, and other commodities, and ſelling the ſame again, as others of the ſame trade are uſed to do. And that the ſaid *John Thomas*, ſo ſeeking and endeavouring to get his living by buying and ſelling, became indebted unto *the ſaid Thomas Hopkins* in the ſum of 200*l.* of, &c. and being ſo indebted as aforeſaid, did before the date and ſuing forth of the ſaid commiſſion, in the judgment of the major part of the ſaid commiſſioners, become a bankrupt to all intents and purpoſes within the true intent and meaning of the ſeveral ſtatutes in the ſaid commiſſion named, or within ſome or one of them, and was by them declared a bankrupt accordingly. And whereas, on the day of the date of theſe preſents, being the day appointed according to the notice in the *London*

Gazette for the choice of an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, at *Guildhall*, *London*, the major part in value of the creditors of the ſaid *John Thomas* then preſent, whoſe debts amounted to the ſum of 10*l.* and upwards reſpectively, did chooſe the ſaid *Thomas Hopkins* and *R. Simpſon* to be aſſignees of the eſtate and effects of the ſaid *John Thomas*. Now this Indenture witneſſeth, that the ſaid commiſſioners, parties to theſe preſents, in further execution of the ſaid commiſſion, and by force and virtue thereof, and of the ſaid ſtatutes therein mentioned, and for and in conſideration of the ſum of 5*s.* of, &c. to them the ſaid commiſſioners, parties to theſe preſents, in hand paid by the ſaid *Thomas Hopkins* and *Robert Simpſon*, at and before the ſealing and delivery of theſe preſents, (the receipt whereof is hereby acknowledged) and alſo for and in conſideration of the covenants herein after contained, on the part and behalf of the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors and adminiſtrators, to be kept, done and performed, and to and for the uſes, intents and purpoſes herein after mentioned and expreſſed, have *ordered*, *diſpoſed*, bargained, ſold, aſſigned, transferred and ſet over, and by theſe preſents (as much as in them the ſaid commiſſioners, parties to theſe preſents lieth, and they lawfully may) do order, diſpoſe, bargain, ſell, aſſign, transfer, and ſet over unto the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors, adminiſtrators, and aſſigns, all and ſingular the goods, chattels, wares and merchandizes, effects, debts, ſum and ſums of money, and all

other perſonal eſtate whatſoever, whereof the ſaid *John Thomas* was poſſeſſed, intereſted in, or intitled unto, at the time he became a bankrupt, or at any time ſince; and all the eſtate, right, title, intereſt, equity of redemption, property, claim, and demand whatſoever of him the ſaid *John Thomas*, of, in, or to the premiſes, or any part thereof: To have and to hold, receive and take, the ſaid goods, chattels, wares and merchandizes, debts, ſum and ſums of money, and effects, and all and ſingular other the premiſes herein before ordered, diſpoſed, bargained, ſold, aſſigned, transferred and ſet over, or mentioned or intended hereby ſo to be, and every part and parcel thereof, unto the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors, adminiſtrators, and aſſigns, from henceforth as his and their own proper goods and chattels for ever; In truſt, nevertheleſs, to and for the uſe, benefit, and advantage of the ſaid *Thomas Hopkins* and *Robert Simpſon*, and all ſuch other of the creditors of the ſaid *John Thomas*, as have already ſought, or ſhall hereafter in due time come in as creditors and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes in that behalf made and provided, and to and for no other uſe, intent or purpoſe whatſoever. And the ſaid *Thomas Hopkins* and *Robert Simpſon*, for themſelves, their executors, and adminiſtrators, do covenant, promiſe, and agree to and with the ſaid commiſſioners, parties to theſe preſents, their executors and adminiſtrators, and each and every of them, by theſe preſents, in manner following, that is to ſay, That they

the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors, adminiſtrators, and aſſigns, ſhall and will, with all convenient ſpeed, uſe their utmoſt and beſt endeavours and means to recover, and get into their hands, all and ſingular the goods, chattels, wares and merchandizes, debts, and effects, whatſoever and whereſoever, of or belonging to the ſaid *John Thomas*, mentioned or intended to be hereby aſſigned; and after poſſeſſion or recovery thereof had and obtained, ſhall and will with the like convenient ſpeed, make ſale and diſpoſition of the ſame, for the moſt and beſt price that may or can be gotten for the ſame, at the time of ſuch ſale; and alſo ſhall and will uſe their utmoſt endeavours to recover, receive and get in, all and every the debts, ſum and ſums of money, due and owing to the ſaid *John Thomas*, or his eſtate. And further, that they the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors and adminiſtrators, ſhall and will give from time to time, and at all times hereafter, upon every reaſonable requeſt and notice in writing, to them, any or either of them given, for that purpoſe by the major part of the commiſſioners by the ſaid commiſſion anthoriſed as aforeſaid, a juſt and true account in writing of all and every ſuch ſum and ſums of money, or other ſatisfaction as they the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors and adminiſtrators, ſhall have then received, obtained, and raiſed, by force, virtue, or means of this preſent deed of aſſignment, or otherwiſe, out of the eſtate of the ſaid *John Thomas*; and all ſuch monies and other ſatisfaction as upon every ſuch account ſhall appear to be raiſed, obtained and

received by them the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors and adminiſtrators, they the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors and adminiſtrators, ſhall and will well and truly pay, or cauſe to be paid, unto the ſaid commiſſioners, parties to theſe preſents, or to the major part of the commiſſioners by the ſaid commiſſion named or authoriſed, or in any renewed commiſſion againſt the ſaid *John Thomas* to be named and authoriſed, or to ſuch perſon or perſons as they ſhall direct or appoint, to the end the ſame may be by them ordered, diſpoſed, diſtributed, and divided unto and amongſt all and every of the creditors of the ſaid *John Thomas*, who have already ſought, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the ſtatutes in that caſe made and provided; and in the mean time, until ſuch dividend or dividends ſhall be made as aforeſaid, that they the ſaid *Thomas Hopkins* and *Robert Simpſon* ſhall and will, from time to time, as and when the money to be received by them, or either of them, from or out of the ſaid bankrupt's eſtate and effects, ſhall amount to the ſum of 100*l.* or upwards, pay the ſame in the joint names of the ſaid aſſignees into the hands of Meſſrs. *A. B. C. D.* &c. bankers in *London*, for ſafe cuſtody, there to remain for the benefit of his creditors, and ſubject to the order of the ſaid commiſſioners, or the major part of them. And the ſaid *Thomas Hopkins* and *Robert Simpſon*, for themſelves, their executors and adminiſtrators, do hereby further covenant, promiſe and agree to and with the ſaid commiſſioners, parties

ties to theſe preſents, and every of them, their and every of their executors and adminiſtrators, that they the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs, executors, and adminiſtrators, ſhall and will, from time to time, and at all times hereafter, well and ſufficiently ſave, defend, and keep harmleſs and indemnified, all the ſaid commiſſioners in the ſaid commiſſion named, or in any renewed commiſſion to be named and authoriſed, and every of them, their and every of their heirs, executors and adminiſtrators, clerk, meſſengers and ſervants, and their and every of their lands and tenements, goods and chattels, of and from all and all manner of action and actions, ſuits, coſts, and damages whatſoever, which ſhall or may be commenced, ſued, or proſecuted againſt them, or any of them, or which they or any of them ſhall or may bear, pay, or be put unto, for or by reaſon of this preſent deed of aſſignment, or any other act or acts, thing or things whatſoever, by them or any of them lawfully acted or done, or to be lawfully acted or done by virtue of the ſaid commiſſion, or their, or any or either of their lawful intermeddling in any of the eſtate and effects of the ſaid *John Thomas*, by virtue or colour thereof.

In witneſs, &c.

Bargain and Sale of a Bankrupt's Freehold and Copyhold Eſtates, from Commiſſioners to Aſſignees.

Bargain and Sale.

This Indenture made, &c. between *William Bumpſtead*, *Henry Hunter*, and *Henry Ruſſel*, Eſquires, of the one part, and *Thomas Hopkins*, of, &c. and *Robert Simpſon*, of, &c. Gentlemen. Whereas his Majeſty's commiſſion, under the great ſeal of *Great Britain*, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, bearing date at *Weſtminſter* the 7th day of *June*, in the firſt year of his preſent Majeſty's reign, hath been awarded and iſſued againſt *John Thomas*, of, &c. directed to the ſaid *William Bumpſtead*, *Henry Hunter*, and *Henry Ruſſel*, Eſquires, together with *H. Cowper*, Eſquire, and *R. Hargrave*, Gentleman, thereby giving to the ſaid commiſſioners, four or three of them, full power and authority to execute the ſame, as in and by the ſaid commiſſion, relation being thereunto had, may more fully and at large appear. And whereas the major part of the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, having begun to put the ſaid commiſſion into execution, upon due examination of witneſſes, and other good proof before them upon oath taken, have found that the ſaid *John Thomas* did, *for ſeveral years laſt paſt* before the date and ſuing forth of the ſaid commiſſion, follow the trade and buſineſs of a ſhopkeeper, and during all ſuch time did ſeek and endeavour to get his living

by

by buying of tea, ſugars, and other grocery goods, linen cloth, and other commodities, and ſelling the ſame again, as others of the ſame trade are uſed to do; and that during ſuch his trade and buſineſs, the ſaid *John Thomas* did become indebted unto the ſaid *Thomas Hopkins* in the ſum of 100*l.* and upwards, of, &c. and being ſo indebted, he the ſaid *John Thomas*, in the judgment of the major part of the commiſſioners named and authoriſed in and by the ſaid commiſſion, became a bankrupt within the compaſs, true intent, and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, or one of them, before the date and ſuing forth of the ſaid commiſſion, and was declared a bankrupt accordingly. And whereas the ſaid commiſſioners, in purſuance of the act of parliament made in the 5th year of the reign of his late majeſty King *George* the Second, did cauſe due notice to be given and publiſhed in the *London Gazette*, for the creditors of the ſaid *John Thomas* to meet at *Guildhall*, *London*, on the 1ſt day of *June* in the year laſt mentioned, in order to chooſe an aſſignee or aſſignees of the ſaid *John Thomas*'s eſtate and effects; and the major part in value of the creditors of the ſaid *John Thomas*, who had duly proved their debts under the ſaid commiſſion, and whoſe reſpective debts amounted to 10*l.* and upwards, then preſent, did then and there nominate, elect and chooſe the ſaid *Thomas Hopkins*, and *Robert Simpſon*, to be aſſignees of the eſtate and effects of the ſaid *John Thomas*, and deſired the commiſſioners to make an aſſignment thereof to them accordingly. And the ſaid commiſſioners

miſſioners did accordingly order, bargain, ſell, aſſign, and ſet over all the perſonal eſtate and effects of the ſaid *John Thomas*, unto the ſaid *Thomas Hopkins* and *Robert Simpſon*, in truſt, for themſelves and all ſuch other of the creditors of the ſaid *John Thomas*, who ſhould be entitled to the benefit and advantage of the ſaid eſtate and effects, as in and by the ſaid aſſignment is mentioned. And whereas the ſaid commiſſioners, parties to theſe preſents, in further execution of the ſaid commiſſion, *do find* that the ſaid *John Thomas*, at the time he became a bankrupt, and before the date and ſuing forth of the ſaid commiſſion, was *ſeiſed to him and his heirs*, or was otherwiſe intereſted in and intitled unto, certain freehold eſtates, and do further find that the ſaid *John Thomas* was alſo ſeiſed to him *and his heirs*, or was otherwiſe intereſted in and intitled unto, *certain copyhold or cuſtomary eſtates*. Now this Indenture witneſſeth, that the ſaid commiſſioners parties to theſe preſents, in further execution of the ſaid commiſſion, and by force and virtue of the ſame, and of the ſtatutes therein mentioned, and for and in conſideration of the ſum of 5 *s.* of, *&c.* to them in hand well and truly paid by the ſaid *Thomas Hopkins* and *Robert Simpſon*, at and before the enſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged; and alſo for and in conſideration of the covenants and agreements herein after reſerved and contained, on the part and behalf of the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs, executors and adminiſtrators, to be obſerved and performed, have granted, bargained, ſold, aſſigned,

aſſigned, and ſet over, and by theſe preſents do (as much as in them lieth, and they lawfully may) grant, bargain, ſell, aſſign, and ſet over unto the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs and aſſigns, all the freehold and copyhold meſſuages, lands, tenements, and hereditaments, ſituate, lying and being in the ſaid county of or elſewhere, whereof, wherein, or whereunto he the ſaid *John Thomas*, at the time he became a bankrupt, or at any time ſince, had any eſtate, right, title or intereſt, in poſſeſſion, reverſion, remainder or expectancy, or otherwiſe howſoever, with their and every of their appurtenances, and all the eſtate, right, title, intereſt, uſe, truſt, property, benefit, power, equity of redemption, claim and demand whatſoever, both in law and equity, of him the ſaid *John Thomas*, or of them the ſaid commiſſioners, by virtue of the ſaid commiſſion, of, in, and to the ſame premiſes, and the reverſion and reverſions, remainder and remainders, rents, iſſues, and profits thereof, and of every or any part and parcel thereof, together with all deeds, evidences and writings, touching and concerning the ſame, or any part or parcel thereof: To have and to hold the ſaid freehold and copyhold meſſuages, *&c.* and all and ſingular the premiſes intended to be hereby granted, bargained, ſold and aſſigned, with their and every of their appurtenances, unto the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs and aſſigns, for ever, to the uſe of them the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs and aſſigns, for ever, (ſubject to ſuch mortgage or mortgages,

Qu. As to the propriety of inſerting the copyholds. See Drury v. Mann, 1 Atk. 96.

mortgages, or other charges and incumbrances, if any ſuch there be, as the ſame premiſes are ſubject to.) In truſt nevertheleſs, and to and for the ſeveral uſes of them the ſaid *Thomas Hopkins* and *Robert Simpſon*, and all ſuch other the creditors of the ſaid *John Thomas*, who have already ſought, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, and to and for no other uſe, truſt, intent or purpoſe whatſoever. And the ſaid *Thomas Hopkins* and *Robert Simpſon* do hereby for themſelves ſeverally, and not the one for the other of them, and for their ſeveral heirs, executors, and adminiſtrators, covenant, promiſe, and agree to and with the ſaid commiſſioners, parties to theſe preſents, and to and with every and each of them, their executors and adminiſtrators, by theſe preſents, in manner following; that is to ſay, that each of them the ſaid *Thomas Hopkins* and *Robert Simpſon*, and their heirs, ſhall and will, with all convenient ſpeed, uſe his and their beſt means and endeavours, by ſuit at law or otherwiſe, to enter upon and get poſſeſſion of all and ſingular the herein before bargained, ſold and aſſigned premiſes, and after ſuch poſſeſſion had and obtained, with convenient ſpeed to make ſale and diſpoſition thereof, and accordingly ſell and diſpoſe of the ſame to and for the beſt value, profit, and advantage that he or they can get. And further that each of them, the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs, executors, and adminiſtrators, ſhall and will, from time to time, and at all times hereafter, upon reaſonable notice, render and give unto the major part of the com-

commiſſioners, by the ſaid commiſſion named and authoriſed to take the ſame, at ſuch time as they ſhall appoint, a true, juſt, fair and perfect account in writing, under the hands of them the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs, executors, or adminiſtrators, of how much money or other ſatisfaction they the ſaid *Thomas Hopkins* and *Robert Simpſon*, their heirs, executors, or adminiſtrators, ſhall have received or recovered by virtue or means of this preſent deed of bargain and ſale, or aſſignment, or otherwiſe, out of the eſtate and effects of the ſaid *John Thomas*; and all ſuch money and other ſatisfaction, as upon every ſuch account ſhall appear to have been had and received by the ſaid *Thomas Hopkins* and *Robert Simpſon*, or either of them, their heirs, executors, or adminiſtrators reſpectively, ſhall and will duly pay, or cauſe to be paid, unto the major part of the ſaid commiſſioners, by the ſaid commiſſion authoriſed, or to ſuch perſon or perſons as they ſhall appoint to receive the ſame. To the end the ſaid monies may be, by ſuch commiſſioners as aforeſaid, or the major part of them, ordered, diſpoſed, diſtributed, and divided, unto and amongſt all and every the creditors of the ſaid *John Thomas*, who have already ſought, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the directions of the ſeveral ſtatutes in that caſe made and provided. And laſtly, that they the ſaid *Thomas Hopkins* and *Robert Simpſon*, their executors and adminiſtrators, ſhall and will from time to time, and at all times hereafter, ſave, defend, keep harmleſs, and indemnified, all and every the ſaid commiſſioners,

miſſioners, in the ſaid commiſſion named as afore-ſaid, their executors and adminiſtrators, agents and ſervants, and every of them, their and every of their goods and chattels, lands and tenements, of, from, touching and concerning all and all manner of actions, ſuits, coſts, damages, and expences whatſoever, which ſhall or may ariſe or happen, or which they the ſaid commiſſioners, or any of them, their or any of their heirs, executors, or adminiſtrators, agents or ſervants, ſhall or may ſuſtain, bear, pay, or be put unto, for or by reaſon of this preſent deed of bargain and ſale or aſſignment, or any other act or thing whatſoever, by them or any of them lawfully acted or done, or to be acted or done, by virtue of the ſaid commiſſion, or by reaſon of their or any of their lawful intermeddling in any of the eſtate of the ſaid *John Thomas*.

In witneſs, *&c.*

The bargain and ſale, after it has been executed by the commiſſioners, muſt be enroled in ſome court of record at *Weſtminſter*, within ſix months after the date of the deed.

The courts of record in which it may be enroled, are the Chancery, King's Bench, Common Pleas, and Exchequer.

In the Court of Chancery.

If it is to be enroled in *Chancery*, one of the commiſſioners who executed the bargain and ſale muſt acknowledge it before a maſter, either at the public office

office in *Symond's Inn*, *Chancery-lane*, or at the maſter's houſe; but if a commiſſioner cannot attend, then one of the witneſſes muſt make an affidavit of the due execution of the deed, which muſt be annexed. In this court a *fiat* is never granted.

When the ſame is acknowledged, the acknowledgment thereof muſt be wrote at the bottom, or on the margin of the deed in this form:

> This indenture was acknowledged by *Thomas Nugent*, Eſquire, therein mentioned, who prayed that the ſame might be enroled on the 4th day of *June*, 1780, before
>
> *Thomas Anguiſh.*

This acknowledgment muſt be ſigned by the maſter, and then the deed muſt be engroſſed on rolls of the court. When acknowledged, you take the deed to the clerk of the enrolments, whoſe office is in the Chancery-office in *Chancery-lane*; he provides rolls and enrols the deed, without giving you any trouble, except taking the deed to and from the office when enroled, and the certificate endorſed thereon.

Fees of Enrolment.

	l.	*s.*	*d.*
Acknowledging - - -	0	2	6
Swearing affidavit - - -	0	1	6
Enroling, for each roll or preſs, containing 90 lines, and each line 14 words - - - - -	0	10	0
Endorſing and certifying - - -	0	5	4

Beſides

Beſides a fee of half a guinea to the commiſſioner who acknowledged the deed, and the charge of drawing and engroſſing the affidavit, in caſe no commiſſioner can attend; but the ſolicitor can charge nothing more than his own attendances, the full fees of enrolment being paid at the office.

In the King's Bench.

If you intend to enrol the deed in this court, one of the commiſſioners muſt acknowledge it either in court, or before a judge at his chambers; the deed muſt be left with the judge, who with his own hand delivers it in open court to the ſecondary (*i. e.* the maſter) and deſires him to enrol it; if in term time, the deed may be got immediately; but if in vacation, it muſt remain with the judge till the following term; when you get the deed, call for as many rolls as you want, at the clerk of the dockets in the *King's Bench* office, or from the ſtationer. You pay four-pence for each roll, which is allowed you again on carrying in the rolls, and when you have engroſſed the deed on the roll, prefixing ſuch one of the following preambles, as may ſuit the acknowledgment, you docket the rolls with the clerk of the dockets, who will endorſe the number roll upon the deed; but if the deed happens to be of a prior term, then call at Mr. *Way*'s, *Portugal Street*, *Lincoln's Inn Fields*, for the number roll.

You muſt take with you to the clerk of the dock-

ets,

ets, the deed, and the rolls, and alſo a docket upon a ſlip of paper to the following effect, viz.

Mich. term, in the twentieth year of the reign of king *George* the Third.

Entries of *John Knight*, gentleman, one of the attornies, &c.

An indenture dated, &c. between *William Bumpſtead*, *Henry Hunter*, and *Henry Ruſſel*, Eſquires, of the one part, and *Thomas Hopkins*, of, &c. and *Robert Simpſon*, of, &c. of the other part. Roll.

This officer alſo endorſes a certificate on the deed, which done, he returns it.

The Preamble of the Enrolment of a Deed, when the ſame is acknowledged in court.

As yet of *Eaſter* term (as the term ſhall be) Witneſs *William*, Earl of *Mansfield*.

England, to wit. { Be it remembered, that on *Wedneſday* next after 15 days of *Eaſter* in this ſame term, before our Lord the king at *Weſtminſter*, came *Henry Hunter*, Eſquire, in his proper perſon, and brought here into the court of our ſaid Lord the King, then there, a certain indenture, which he acknowledged to be his deed, and prayed that the ſame indenture as his deed, might be enroled of record, before our ſaid Lord the King at *Weſtminſter*; and it is enroled

in the following words; To wit, this indenture, &c. (the deed *verbatim.*)

The Preamble where the Indenture is acknowledged before the Chief Juſtice at his Chambers.

England, to wit. { Be it remembered, that on, &c. in this ſame term, before our Lord the King at *Weſtminſter*, *William* earl of *Mansfield*, chief juſtice of our ſaid Lord the King, aſſigned to hold pleas before the King himſelf, records, that on the 4th day of *June* laſt paſt, *Henry Hunter*, Eſquire, in his own proper perſon, came before the ſaid chief juſtice, at his chambers, ſituate in *Serjeant's Inn* in *Chancery-lane*, and brought before the ſaid chief juſtice, then there, a certain indenture, which he acknowledged to be his deed, and prayed that the ſaid indenture, as his deed, might be enroled of record in the court of our ſaid Lord the King before the King himſelf at *Weſtminſter*; and which ſaid indenture the aforeſaid chief juſtice, by his own proper hands, now delivers here into court, to be enroled in form aforeſaid; and it is enroled in the following words, to wit: This indenture, &c. and go on *verbatim* with the deed, copying every word, with the names of the parties ſigning, and making this mark (L. S.) for the ſeals; then the atteſtations, receipts, and all other endorſements; and laſtly examine the enrolment with the deed.

The

The certificate to be endorſed on the deed enroled.

William Bumpſtead, Eſquire, and others, to *Thomas Hopkins* and *Robert Simpſon*.

Enroled in the court of our Lord the King, before the King himſelf at *Weſtminſter*, of *Mich.* term *(as the term is)* in the twentieth year of the reign of our ſovereign Lord *George* the Third, King of *Great Britain*, *&c.* Roll.

Fees of Enrolment.

	l.	*s.*	*d.*
Acknowledging in court - -	0	3	0
Before a judge at his chambers -	0	8	8
Enroling each ſheet - - -	0	0	3
Docketing and carrying in rolls -	0	3	6

Beſides the commiſſioner's fee for acknowledging; the charge of drawing and engroſſing the affidavit, if neceſſary, and attendances.

In the Common Pleas.

If the deed is to be enroled in *C. B.* you carry the deed to a judge, either at his chambers or at his houſe; or, if in term time, it may be done at *Weſtminſter-hall*; one of the commiſſioners muſt attend and acknowledge it; the acknowledgment (the officer's warrant for enroling the deed) is wrote on the margin of the deed, generally by the judge's clerk. The form of the acknowledgment is thus:

The execution of this deed was acknowledged (in court) by *H. H.* (the commiſſioner acknowledging) party thereto, this 4th day of *May*, 1780, before (the name of the judge.)

The deed being properly acknowledged, get the rolls from the clerk of the warrants of attorney, whoſe office is in *Pump Court, Inner Temple*, for which you do not pay any thing, and having engroſſed them yourſelf, and left a ſpace for prefixing the preamble, which is done by you, by the clerk of the warrant's dictating; for which purpoſe you carry him the deed and rolls, who will endorſe, docket, and enrol the deed immediately; for it is not neceſſary in this court, as in the King's Bench, for the attorney to endorſe the deed, or carry in any docket, the clerk of the warrant being obliged to do all himſelf, and alſo, if deſired, to engroſs the deed upon the rolls, which is begun in this form:

H. H. (the commiſſioner acknowledging) came into his Majeſty's court of Common Pleas at *Weſtminſter* (if the deed was acknowledged in court) the 10th day of *June*, in this ſame term, or came before Sir *H. Gould*, knight, (the name of the judge before whom the acknowledgment happens to be taken, if the deed be not acknowledged in court) and acknowledged this writing following to be his deed, and required the ſame to be enroled, and it is enroled in theſe words: to wit, This indenture, &c. and ſo go on with the deed, copying every word, the names

names of the parties ſigning, making this mark (L. S.) for a ſeal, and the atteſtation, receipt, and all endorſements, and laſt of all examine the enrolment by the deed.

Fees of Enrolment.

	Officer's charge.			Attorney's charge		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*
Acknowledging in court -	0	1	0	0	1	0
Before a judge at chambers	0	5	0	0	5	0
Enroling each ſheet - -	0	0	3	0	0	8
Docketing and certificate	0	1	0	0	3	4

Beſides the commiſſioner's fee, the affidavit, and common attendances.

In the Exchequer.

One of the commiſſioners muſt attend and acknowledge the bargain and ſale in court: this acknowledgment is the clerk in court's warrant for enroling the deed, which is wrote on the margin thereof, generally by the baron's clerk, the form of which is as follows:

The execution of this deed was acknowledged in court by *Henry Hunter*, eſquire, party thereto, the 24th day of *April* 1780, before

John Skinner,
(L. C. Baron.)

The deed is hereupon enroled by the clerk in court, for which he charges as follows:

	l.	s.	d.
Acknowledgment in court - -	0	4	0
To the master and clerk in court for enroling each sheet, out of which the clerk in court allows to the solicitor two-pence *per* sheet	0	0	8

The solicitor's fee and attendance are allowed as charged in the court of Chancery, besides what is given them out of the clerk in court's fees.

Assignment from the Commissioners to new Assignees, the former ones being removed (at their own desire) by order, and after a temporary Assignment had originally been made.

Assignment on removal of assignees.

This Indenture tripartite, made the day of in the twentieth year of the reign of our sovereign lord *George* the Third, by the grace of God of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, &c. and in the year of our Lord 1780, between *John Partridge* of and *Charles Dennis* of of the first part; *Sylvester Douglas*, Esquire, *Isaac Bargrave*, and *William Munn*, Gentlemen, being the major part of the commissioners named and authorised, in and by a commission of bankrupt, awarded and issued forth against *Francis Gibbons* of of the

the ſecond part; and *Andrew Finch* of of the third part. Whereas a commiſſion of bankrupt, under the great ſeal of *Great Britain*, bearing date at *Weſtminſter*, the day of 1780, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, or ſome or one of them, hath been awarded and iſſued forth againſt the ſaid *Francis Gibbons*, directed to *Charles Robinſon*, the ſaid *Sylveſter Douglas*, and *John Nares*, Eſquires, together with *Iſaac Bargrave* and *William Munn*, Gentlemen, thereby giving full power and authority to the ſaid commiſſioners, four or three of them, to execute the ſame, as in and by the ſaid commiſſion, relation being thereunto had, doth more fully and at large appear. And whereas the ſaid *Sylveſter Douglas*, *Iſaac Bargrave*, and *William Munn*, being the major part of the ſaid commiſſioners in the ſaid commiſſion named and authoriſed, having begun to put the ſaid commiſſion into execution, upon due examination of witneſſes, and other good proof upon oath before them had and taken, found, or it otherwiſe appeared to them, that the ſaid *Francis Gibbons*, for ſeveral years before the date and ſuing forth of the ſaid commiſſion, exerciſed and followed the trade and buſineſs of a merchant, and ſought and endeavoured to get his living thereby, as others of the ſame trade or buſineſs uſually do. And that he the ſaid *Francis Gibbons*, before the date and ſuing forth of the ſaid commiſſion, became indebted to *Charles Jones* of in the ſum of 100*l.* and upwards, and being ſo indebted, he the ſaid *Francis Gibbons* did, in the judgment of the major part of the commiſſioners in the

ſaid commiſſion named, become bankrupt to all intents and purpoſes, within the true intent and meaning of the ſeveral ſtatutes in the ſaid commiſſion mentioned, ſome or one of them, and they declared him bankrupt accordingly. And whereas the ſaid commiſſioners, parties to theſe preſents, in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, and by virtue of the ſame, by indenture bearing date the *
day of made between the ſaid *Sylveſter Douglas*, *Iſaac Bargrave*, and *William Munn*, of the one part, and *Thomas Powell* of
of the other part, for the conſideration therein mentioned, did, as much as in them lay, and they lawfully might, order, bargain, ſell, diſpoſe, aſſign, and ſet over, unto the ſaid *Thomas Powell*, his executors, adminiſtrators, and aſſigns, all and ſingular the goods, wares and chattels, debts, ſum and ſums of money, and all the perſonal eſtate whatſoever of the ſaid *Francis Gibbons*, of which he was poſſeſſed or intitled unto, or of which any other perſon or perſons was or were poſſeſſed, in truſt for him, at the time he became bankrupt, or at any time ſince. To hold, aſk, demand, ſue for, recover, levy and receive, all and ſingular the premiſes thereby aſſigned, or mentioned or intended ſo to be, unto the ſaid *Thomas Powell*, his executors, adminiſtrators, and aſſigns, in truſt for the immediate preſervation thereof, and to and for the uſe, benefit and advantage of all the creditors of the ſaid *Francis Gibbons*, who had then ſought, or ſhould then after in due time come in

* Date of the proviſional aſſignment.

and

and ſeek relief, under the ſaid commiſſion, according to the ſeveral ſtatutes therein mentioned, or ſome or one of them, and to or for no other uſe, truſt, intent or purpoſe whatſoever, as in and by the ſaid recited indenture, relation being thereunto had, will and may more fully and at large appear. And whereas the ſaid *Thomas Powell* did, in and by the ſaid recited indenture of aſſignment, covenant and agree, to and with the ſaid commiſſioners, parties thereto, their executors and adminiſtrators, and to and with every of them, that he the ſaid *Thomas Powell*, his executors or adminiſtrators, or ſome or one of them, ſhould and would, as ſoon as an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects ſhould be duly choſen and appointed, join with the major part of the commiſſioners named in the ſaid commiſſion, in aſſigning all and ſingular the ſaid goods, chattels, debts, ſum and ſums of money, wares and merchandizes, and all other the premiſes in the ſaid recited indenture aſſigned to him, unto ſuch perſon or perſons, as ſhould be duly choſen and appointed to be the aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, and that he the ſaid *Thomas Powell* would deliver up all the eſtate and effects of the ſaid bankrupt, as ſhould or might have come to his hands or poſſeſſion, or to the hands or poſſeſſion of any other perſon or perſons, in truſt for him, or for his uſe, unto ſuch perſon or perſons as ſhould be duly choſen aſſignee or aſſignees of the ſaid bankrupt's eſtate or effects, or otherwiſe, as the ſaid commiſſioners ſhould direct or appoint, as in and by the ſaid recited indenture may more fully and at large appear. And whereas

at

at a meeting of the major part of the commiſſioners, in and by the ſaid commiſſion named and authoriſed, at the *Guildhall* of the city of *London*, the day of purſuant to notice in the *London Gazette*, for that purpoſe given, the major part in value of the creditors of the ſaid *Francis Gibbons* then preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to ten pounds or upwards, did nominate, elect and chooſe, the ſaid *John Partridge* and *Charles Dennis*, to be the aſſignees of the eſtate and effects of the ſaid *Francis Gibbons*, and deſired an aſſignment to be made thereof to them accordingly by the ſaid *Thomas Powell*, and the ſaid commiſſioners. And whereas by indenture tripartite, bearing date the day of made between the ſaid *Thomas Powell* of the firſt part, the ſaid commiſſioners, parties hereto, of the ſecond part, the ſaid *John Partridge* and *Charles Dennis* of the third part, the ſaid *Thomas Powell*, for the conſideration therein mentioned, by the conſent and direction of the ſaid commiſſioners, parties hereto, teſtified by their being made parties to and ſealing and delivering thereof, did order, bargain, ſell, diſpoſe, aſſign, and ſet over, unto the ſaid *John Partridge* and *Charles Dennis*, their executors and adminiſtrators, all and ſingular the goods, wares, and chattels, debts, ſum and ſums of money, and all the perſonal eſtate whatſoever of the ſaid *Francis Gibbons*, which he was poſſeſſed of or intitled unto, or which any other perſon or perſons was or were poſſeſſed of in truſt for him, at the time he became bankrupt, or at any time ſince; and all the right, title,

title, intereſt, property, claim, and demand whatſoever, of him the ſaid *Thomas Powell* of, in, or to the ſame, or any part thereof, as aſſignee of the eſtate and effects of the ſaid *Francis Gibbons*; and the ſaid commiſſioners, parties thereto, being the major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, in conſideration of 5 *s.* to them or one of them in hand alſo paid by the ſaid *John Partridge* and *Charles Dennis*, did as much as in them lay, and they lawfully might, ratify and confirm unto the ſaid *John Partridge* and *Charles Dennis*, all and ſingular the ſaid goods, wares, and chattels, debts, ſum and ſums of money, and other things, and all the eſtate whatſoever and whereſoever, of and belonging to the ſaid *Francis Gibbons* therein before ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over by the ſaid *Thomas Powell*, party thereto; to hold to the ſaid *John Partridge* and *Charles Dennis*, their executors, adminiſtrators, and aſſigns, upon truſt nevertheleſs, to and for the uſe, benefit and advantage of all the creditors of the ſaid *Francis Gibbons*, who had then already ſought, or ſhould thereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes in that behalf made and provided, and to and for no other uſe, intent or purpoſe whatſoever, as in and by the ſaid laſt recited indenture of aſſignment, relation being thereunto had, may more fully and at large appear. And whereas by an order of the preſent lord high chancellor of *Great Britain*, made on the day of inſtant, founded upon the petition of

of and creditors of the ſaid *Francis Gibbons*, preferred to the ſaid lord chancellor; his lordſhip upon hearing the ſaid petition read, and what was alledged by the counſel for the ſaid petitioners, and by conſent of the counſel for the aſſignees, the ſaid *John Partridge* and *Charles Dennis*, did (amongſt other things) order, that the ſaid *John Partridge* and *Charles Dennis*, at their own deſire, ſhould be diſcharged from being aſſignees of the ſaid bankrupt's eſtate and effects, and that the major part of the ſaid commiſſioners named in the ſaid commiſſion ſhould cauſe due notice forthwith to be given and publiſhed in the *London Gazette*, appointing a time and place for the creditors of the ſaid *Francis Gibbons* to meet, in order to proceed to the choice of a new aſſignee or aſſignees, in the room of the ſaid *John Partridge* and *Charles Dennis*, and that the creditors of the ſaid bankrupt, who ſhould be preſent at ſuch meeting, ſhould proceed to ſuch new choice accordingly, and that after ſuch choice the major part of the ſaid commiſſioners ſhould make and execute a new aſſignment of the eſtate and effects of the ſaid bankrupt, remaining unreceived, and not diſpoſed of, to ſuch perſon or perſons, who at ſuch meeting ſhould be choſen ſuch new aſſignee or aſſignees, and that the ſaid *John Partridge* and *Charles Dennis* ſhould join in the ſaid aſſignment, to the ſaid new aſſignee or aſſignees, as by the ſaid in part recited order, relation being thereunto alſo had, may more fully and at large appear. And whereas, in purſuance of the ſaid in part recited order, notice in the *London Gazette* of the day of this inſtant

was duly given, purporting that the commiſſioners intended to meet on the day of this inſtant at four of the clock in the afternoon, at *Guildhall*, *London*, in order to proceed to the choice of new aſſignees, in the room of the ſaid *John Partridge* and *Charles Dennis*: And whereas the commiſſioners, parties to theſe preſents, in obedience to and in purſuance of the ſaid order, and likewiſe of the ſaid notice ſo given in the *London Gazette* as aforeſaid, met at the *Guildhall* of the city of *London*, this day of in order to chuſe an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, and the major part of the creditors of the ſaid *Francis Gibbons* preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to ten pounds or upwards, did nominate, elect, and chuſe the ſaid *Andrew Finch* to be the ſole aſſignee of the eſtate and effects of the ſaid *Francis Gibbons*, remaining unreceived and not diſpoſed of, in the room of the ſaid *John Partridge* and *Charles Dennis*. Now this Indenture witneſſeth, that the ſaid *John Partridge* and *Charles Dennis*, in obedience to and in purſuance of the ſaid recited order, and in conſideration of the ſum of 10 *s.* of lawful money of *Great Britain*, to them in hand paid by the ſaid *Andrew Finch*, at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged, and alſo in conſideration of the covenants herein after, on the part and behalf of the ſaid *Andrew Finch*, his executors or adminiſtrators, to be performed by the conſent and direction of the ſaid commiſſioners, parties

of and
creditors of the ſaid *Francis Gibbons*, preferred to the ſaid lord chancellor; his lordſhip upon hearing the ſaid petition read, and what was alledged by the counſel for the ſaid petitioners, and by conſent of the counſel for the aſſignees, the ſaid *John Partridge* and *Charles Dennis*, did (amongſt other things) order, that the ſaid *John Partridge* and *Charles Dennis*, at their own deſire, ſhould be diſcharged from being aſſignees of the ſaid bankrupt's eſtate and effects, and that the major part of the ſaid commiſſioners named in the ſaid commiſſion ſhould cauſe due notice forthwith to be given and publiſhed in the *London Gazette*, appointing a time and place for the creditors of the ſaid *Francis Gibbons* to meet, in order to proceed to the choice of a new aſſignee or aſſignees, in the room of the ſaid *John Partridge* and *Charles Dennis*, and that the creditors of the ſaid bankrupt, who ſhould be preſent at ſuch meeting, ſhould proceed to ſuch new choice accordingly, and that after ſuch choice the major part of the ſaid commiſſioners ſhould make and execute a new aſſignment of the eſtate and effects of the ſaid bankrupt, remaining unreceived, and not diſpoſed of, to ſuch perſon or perſons, who at ſuch meeting ſhould be choſen ſuch new aſſignee or aſſignees, and that the ſaid *John Partridge* and *Charles Dennis* ſhould join in the ſaid aſſignment, to the ſaid new aſſignee or aſſignees, as by the ſaid in part recited order, relation being thereunto alſo had, may more fully and at large appear. And whereas, in purſuance of the ſaid in part recited order, notice in the *London Gazette* of the day of this inſtant

was duly given, purporting that the commiſſioners intended to meet on the day of this inſtant at four of the clock in the afternoon, at *Guildhall*, *London*, in order to proceed to the choice of new aſſignees, in the room of the ſaid *John Partridge* and *Charles Dennis*: And whereas the commiſſioners, parties to theſe preſents, in obedience to and in purſuance of the ſaid order, and likewiſe of the ſaid notice ſo given in the *London Gazette* as aforeſaid, met at the *Guildhall* of the city of *London*, this day of in order to chuſe an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, and the major part of the creditors of the ſaid *Francis Gibbons* preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to ten pounds or upwards, did nominate, elect, and chuſe the ſaid *Andrew Finch* to be the ſole aſſignee of the eſtate and effects of the ſaid *Francis Gibbons*, remaining unreceived and not diſpoſed of, in the room of the ſaid *John Partridge* and *Charles Dennis*. Now this Indenture witneſſeth, that the ſaid *John Partridge* and *Charles Dennis*, in obedience to and in purſuance of the ſaid recited order, and in conſideration of the ſum of 10 *s.* of lawful money of *Great Britain*, to them in hand paid by the ſaid *Andrew Finch*, at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged, and alſo in conſideration of the covenants herein after, on the part and behalf of the ſaid *Andrew Finch*, his executors or adminiſtrators, to be performed by the conſent and direction of the ſaid commiſſioners, parties

parties to theſe preſents, teſtified by their being made parties to and ſealing and delivering hereof, have ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over, and by theſe preſents do order, bargain, ſell, diſpoſe, aſſign, and ſet over, unto the ſaid *Andrew Finch*, his executors and adminiſtrators, all and ſingular the goods, wares, chattels, debts, ſum and ſums of money, and all the perſonal eſtate whatſoever of the ſaid *Francis Gibbons*, of which he was poſſeſſed or entitled to, or which any other perſon or perſons was or were poſſeſſed of in truſt for him, at the time he became bankrupt, or at any time ſince, and all the right, title, intereſt, property, claim, and demand whatſoever, of them the ſaid *John Partridge* and *Charles Dennis*, of, in, or to the ſame, or any part thereof, as aſſignees of the eſtate and effects of the ſaid *Francis Gibbons*; and the ſaid commiſſioners, parties to theſe preſents, being the major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, in conſideration of 5 *s.* to them, or one of them, in hand alſo paid by the ſaid *Andrew Finch*, have ratified and confirmed, and by theſe preſents do, as much as in them lie, and they lawfully may, ratify and confirm unto the ſaid *Andrew Finch*, all and ſingular the ſaid goods, wares and chattels, debts, ſum and ſums of money, and other things, and all the eſtate, whatſoever and whereſoever, of and belonging to the ſaid *Francis Gibbons*, herein before ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over by the ſaid *John Partridge* and *Charles Dennis*, parties hereto; to have and to hold, aſk, demand, ſue for, recover, levy, and receive the ſaid goods, wares, chattels,

tels, debts, ſum and ſums of money, and other things, and all other the effects whatſoever, of or belonging to the ſaid *Francis Gibbons*, hereby ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over, or hereby mentioned or intended ſo to be, unto the ſaid *Andrew Finch*, his executors, adminiſtrators and aſſigns, upon truſt nevertheleſs to and for the uſe, benefit, and advantage, of all the creditors of the ſaid *Francis Gibbons*, who have already ſought, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes in that behalf made and provided, and to and for no other uſe, intent or purpoſe whatſoever: And the ſaid *Andrew Finch*, for himſelf, his heirs, executors, and adminiſtrators, doth hereby covenant, promiſe and agree, to and with the ſaid commiſſioners, parties to theſe preſents, and to and with every of them by theſe preſents, that the ſaid *Andrew Finch*, his executors, adminiſtrators, or aſſigns, ſhall and will, with all convenient ſpeed, by all lawful and equitable ways and means, uſe his utmoſt endeavours to recover and get in the ſeveral goods, wares and chattels, debts, ſum and ſums of money, and all other the eſtate and effects of the ſaid *Francis Gibbons*, and after poſſeſſion had and obtained of the ſaid goods, wares, and chattels, debts, ſum and ſums of money, eſtate, and effects whatſoever, or any part thereof, ſhall and will ſell and diſpoſe of the ſame, to and for the moſt and beſt value he can get for the ſame. And further, that he the ſaid *Andrew Finch*, his executors, adminiſtrators, and aſſigns, ſhall and will from time to time, and at all times

times hereafter, upon reaſonable requeſt and notice to him given for that purpoſe, render and give unto the ſaid commiſſioners, parties to theſe preſents, or the major part of the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, or to the major part of the ſaid commiſſioners to be named in and by any renewed commiſſion which may be awarded againſt the ſaid *Francis Gibbons*, at ſuch time and place as they ſhall appoint, a true, juſt and perfect account in writing, under the hand of the ſaid *Andrew Finch*, his executors and adminiſtrators, of what and how much money, or other ſatisfaction, he the ſaid *Andrew Finch*, his executors or adminiſtrators, ſhall have had, recovered, and received, by virtue or means of this preſent deed of aſſignment, or otherwiſe, out of the eſtate and effects of the ſaid *Francis Gibbons*, and ſuch money or other ſatisfaction as upon ſuch account ſhall appear to be had, raiſed, and received by the ſaid *Andrew Finch*, his executors or adminiſtrators, he the ſaid *Andrew Finch*, his executors or adminiſtrators, ſhall and will truly pay, or cauſe to be paid unto them the ſaid commiſſioners, parties to theſe preſents, or the major part of the ſaid commiſſioners, in and by the ſaid commiſſion named, or to the ſaid commiſſioners to be named in any ſuch renewed commiſſion, or the major part of them, or to ſuch perſon or perſons as they ſhall appoint, to the end the ſame or other ſatisfaction may be, by them the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, or the major part of them, ordered, diſpoſed, diſtributed and divided, unto and amongſt all and every the creditors of the ſaid

Francis Gibbons, who have already ſought, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes therein mentioned, proportionably according to the ſeveral debts owing to them reſpectively from the ſaid *Francis Gibbons*. And laſtly, the ſaid *Andrew Finch* doth hereby for himſelf, his heirs, executors, and adminiſtrators, covenant, promiſe, and agree, to and with the ſaid commiſſioners, parties to theſe preſents, their heirs, executors, and adminiſtrators, that he the ſaid *Andrew Finch*, his executors and adminiſtrators, ſhall and will, from time to time, and at all times hereafter, well and ſufficiently ſave, defend, keep harmleſs and indemnified the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, and alſo the ſaid *John Partridge* and *Charles Dennis*, their executors and adminiſtrators, and every of them, their and every of their bodies, lands, tenements, goods, and chattels, of, and concerning, or concerning all and all manner of action and actions, ſuits, arreſts, troubles, coſts, damages, and expences whatſoever, which they or any of them ſhall ſuſtain or be put unto, for or by reaſon of this preſent deed of aſſignment, or any other act or acts, thing or things, lawfully done or executed by virtue of the ſaid commiſſion, or the ſaid recited aſſignment, or their or any of their lawful intermeddling in any of the eſtate of the ſaid *Francis Gibbons*.

In witneſs, &c.

Aſſignment where one Aſſignee is removed.

This indenture of three parts, made the 10th day of *January*, in the 25th year of the reign of our ſovereign lord *George* the Third by the grace of God of *Great Britain*, *France*, and *Ireland* king, defender of the faith, and ſo forth, and in the year of our Lord 1785, between *Anthony Williams*, of *Farnham*, in the county of *Surry*, merchant, of the firſt part; *Thomas Hotchkin* and *Henry Stebbing*, Eſquires, and *Robert Fry*, Gentleman, the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt *J. N.* late of *Golden-ſquare*, in the pariſh of *Saint James*, *Weſtminſter*, in the county of *Middleſex*, ſurgeon, dealer, and chapman, of the ſecond part; and *John Murray*, of *Fleet-ſtreet*, in the city of *London*, bookſeller, *John Buckley*, of *Glaſshouſe-ſtreet*, in the ſaid pariſh of *Saint James*, *Weſtminſter*, in the county of *Middleſex*, ſadler, and *George Greathead*, of *Vigo-lane*, in the ſaid pariſh of *St. James*, *Weſtminſter*, in the county of *Middleſex*, poulterer, of the third part. Whereas by indenture of aſſignment, of three parts, bearing date on or about the 12th day of *April* 1783, and made between *David Caddell*, of *Chancery-lane*, *London*, Gentleman, of the firſt part; the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry* of the ſecond part; and the ſaid *Anthony Williams* and *John Murray* of the third part; reciting, that by indenture of aſſignment, bearing date on or about the 20th day of *March* then laſt paſt, and made

 between

between the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry* of the one part, and the ſaid *David Caddell* of the other part, reciting, that his Majeſty's commiſſion under the great ſeal of *Great Britain*, grounded upon the ſeveral ſtatutes made and then in force concerning bankrupts, bearing date at *Weſtminſter*, the 18th day of March then laſt paſt, had been awarded and iſſued againſt the ſaid *J. N.* by the name and deſcription of *J. N.* late of *Golden-ſquare*, in the pariſh of *Saint James*, *Weſtminſter*, in the county of *Middleſex*, ſurgeon, dealer, and chapman, directed unto the ſaid *Thomas Hotchkin* and *Henry Stebbing*, Eſquires, and *Robert Fry*, Gentleman, together with *Edward Wilmot* and *Peter Johnſton*, Eſquires, thereby giving full power and authority to them the ſaid commiſſioners, four or three of them, to execute the ſame, as in and by the ſaid aſſignment, relation being thereunto had, may more fully and at large appear. And alſo reciting, that ſuch major part of the ſaid commiſſioners, in the ſaid commiſſion named and authoriſed, having begun to put the ſaid commiſſion into execution, upon due examination of witneſſes, and other good proofs upon oath before them had and taken, had found, or it otherwiſe appeared to them, that the ſaid *J. N.* for ſeveral years before the date and ſuing forth of the ſaid commiſſion, had exerciſed and followed the buſineſs of a ſurgeon, in buying and ſelling divers and ſundry drugs and medicines, and alſo in making and manufacturing drugs and medicines into certain drops and pills called Maredant's Drops, Vandour's Pills, and Wade's Aſthmatic Drops, and in vending and ſel-

ling the ſame when ſo made up and manufactured into drops and pills, by wholeſale and retail, and thereby ſought and endeavoured to get his living as other traders, dealers, and venders of medicine uſually did; and that he the ſaid *J. N.* before the date and ſuing forth of the ſaid commiſſion, became indebted to *John Cook* in the ſum of 100*l.* and upwards, and being ſo indebted, he the ſaid *J. N.* had, in the judgment of them the major part of the commiſſioners in the ſaid commiſſion named, become bankrupt to all intents and purpoſes within the true intent and meaning of the ſeveral ſtatutes in the ſaid commiſſion named, ſome or one of them, and that they had declared him a bankrupt accordingly. And further reciting, that the ſaid commiſſioners, parties to the ſaid recited indenture, and to theſe preſents, in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, had found, or it otherwiſe appeared to them, that the ſaid *J. N.* at ſuch the time of his becoming bankrupt as aforeſaid, was poſſeſſed of ſeveral leaſehold meſſuages or tenements, and premiſes, in the county of *Middleſex* and elſewhere, and to divers goods, wares, chattels, and other things; and that there were alſo divers debts and ſums of money due and owing to him the ſaid *J. N.* and his eſtate, from ſeveral perſons. And reciting, that the ſaid commiſſioners, parties to the ſaid indenture, thought it neceſſary, for the better preſerving and ſecuring the eſtate of the ſaid *J. N.* to appoint an aſſignee proviſionally of his eſtate and effects, until choice ſhould be made, by the major part in value of the creditors, of an aſ-

ſignee

ſignee or aſſignees of the ſaid *J. N.* the ſaid bankrupt, purſuant to notice to be given in the *London Gazette* for that purpoſe. It was by the ſaid indenture (now in recital) witneſſed, that the ſaid commiſſioners, parties thereto and to theſe preſents, for the purpoſe aforeſaid, and in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, and by force and virtue thereof, and for the conſiderations therein mentioned, did order, bargain, ſell, diſpoſe, aſſign, and ſet over unto the ſaid *David Caddell*, the meſſenger under the ſaid commiſſion, his executors, adminiſtrators, and aſſigns, all and ſingular the leaſehold meſſuages or tenements, and premiſes, and all and ſingular the goods, wares, chattels, debts, ſum and ſums of money, and all the perſonal eſtate whatſoever of the ſaid *J. N.* of which he was poſſeſſed or entitled unto, or which any other perſon or perſons was or were poſſeſſed, in truſt for him, at the time he became bankrupt as aforeſaid, or at any time ſince, to hold, aſk, demand, ſue for, recover, levy, and receive all and ſingular the premiſes thereby aſſigned, or mentioned or intended ſo to be, unto the ſaid *David Caddell*, his executors, adminiſtrators, and aſſigns, in truſt, nevertheleſs, for the immediate preſervation thereof, but to and for the uſe, benefit, and advantage of all the creditors of the ſaid *J. N.* who had already ſought, or ſhould thereafter in due time come in and ſeek relief under the ſaid commiſſion, according to the ſeveral ſtatutes therein mentioned, and to and for no other uſe, intent, or purpoſe whatſoever. And the ſaid *David Caddell* did thereby, for himſelf, his heirs, executors,

and adminiſtrators, and for every of them, covenant, promiſe, and agree, to and with the ſaid commiſſioners, parties thereto and to theſe preſents, their heirs, executors, and adminiſtrators, and to and with every of them, that he the ſaid *David Caddell*, his heirs, executors, or adminiſtrators, or ſome or one of them, ſhould and would, as ſoon as an aſſignee or aſſignees of the ſaid bankrupt's eſtate ſhould be duly choſen and appointed purſuant to notice in the *London Gazette*, and when he ſhould be thereunto required for that purpoſe, join with the major part of the commiſſioners named in the ſaid commiſſion, in granting, bargaining, and ſelling of all and ſingular the ſaid meſſuages, lands, tenements, and hereditaments, and all other the premiſes therein before mentioned, and intended to be thereby bargained and ſold, unto ſuch perſon or perſons who ſhould be then duly choſen and appointed to be the aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects; and that he the ſaid *David Caddell* ſhould and would deliver up all the eſtate and effects of the ſaid bankrupt, as ſhould or might have come to the hands or poſſeſſion of him the ſaid *David Caddell*, or to the hands or poſſeſſion of any other perſon or perſons, in truſt for him and for his uſe, unto ſuch perſon or perſons as ſhould be ſo duly choſen aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, or otherwiſe as the ſaid commiſſioners ſhould direct or appoint. And alſo reciting, that on the day of the date of the indenture now in recital, the ſaid *Anthony Williams* and *John Murray* were duly choſen aſſignees of the ſaid *J. N.*'s eſtate and effects; and they had requeſted the ſaid

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David Caddell, and the ſaid commiſſioners, parties thereto and to theſe preſents, to aſſign the ſame to them accordingly; it was by the indenture now in recital witneſſed, that the ſaid *David Caddell*, for the conſideration therein mentioned, and in purſuance of the covenant of the ſaid *David Caddell* in the ſaid therein recited indenture of aſſignment contained, and by the conſent and direction of the ſaid commiſſioners, parties thereto and to theſe preſents, teſtified as therein mentioned, did order, bargain, ſell, diſpoſe, aſſign, transfer, and ſet over unto the ſaid *Anthony Williams* and *John Murray*, their heirs, executors, adminiſtrators, and aſſigns, all and ſingular the leaſehold meſſuages or tenements, and premiſes, with the appurtenances, of him the ſaid *J. N.* ſituate in the county of *Middleſex*, and elſewhere, and all goods, wares, chattels, debts, ſum and ſums of money, and all other the perſonal eſtate whatſoever of the ſaid *J. N.* of which he was poſſeſſed or entitled unto, or of which any other perſon or perſons was or were poſſeſſed, in truſt for him at the time he became bankrupt as aforeſaid, or at any time ſince; and all the right, title, intereſt, property, claim, and demand whatſoever of him the ſaid *David Caddell*, of, in, or to the ſame, or any part thereof, as aſſignee of the eſtate and effects of the ſaid *J. N.* And the ſaid commiſſioners, parties to the ſaid indenture now in recital, and to theſe preſents, being the major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authorized, for the conſiderations therein mentioned, did (as much as in them the ſaid commiſſioners lay, and they lawfully might)

ratify and confirm unto the ſaid *Anthony Williams* and *John Murray*, their executors, adminiſtrators, and aſſigns, all and ſingular the ſaid ſeveral leaſehold meſſuages or tenements in the county of *Middleſex* and elſewhere, and all and ſingular the ſaid goods, wares, chattels, merchandizes, debts, ſum and ſums of money, and other things, and all other the eſtate and effects whatſoever and whereſoever of and belonging to the ſaid *J. N.* therein before ordered, bargained, ſold, diſpoſed, aſſigned, transferred, and ſet over by the ſaid *David Caddell*, party thereto, to hold, aſk, demand, ſue for, recover, levy, and receive all and ſingular the ſaid leaſehold meſſuages or tenements, and premiſes, in the county of *Middleſex* and elſewhere, and all and ſingular the ſaid goods, wares, chattels, debts, ſum and ſums of money, and other things, and all other the eſtate and effects whatſoever of or belonging to the ſaid *J. N.* thereby ordered, bargained, ſold, diſpoſed, aſſigned, transferred, and ſet over, or mentioned or intended ſo to be, unto the ſaid *Anthony Williams* and *John Murray*, their executors, adminiſtrators, and aſſigns, to and for the only proper uſe and behoof of the ſaid *Anthony Williams* and *John Murray*, their executors, adminiſtrators, and aſſigns; in truſt, nevertheleſs, that is to ſay, to and for the uſe, benefit, and advantage of all and every the creditors of the ſaid *J. N.* who had already ſought, or ſhould thereafter in due time come in and ſeek relief under and by virtue of the ſaid commiſſion, or any renewed commiſſion againſt the ſaid *J. N.* according to the limitations and directions of the ſeveral ſtatutes in that behalf made

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and provided, and to and for no other uſe, intent, or pnrpoſe whatſoever. And whereas, by an order made in the matter of the ſaid *J. N.* bankrupt as aforeſaid, by the Lord High Chancellor of *Great Britain*, bearing date on or about the 15th day of *November* laſt paſt, reciting, that *John Buckley* and *George Greathead*, two of the creditors of the ſaid *J. N.* on behalf of themſelves and the ſeveral other creditors of the ſaid *J. N.* who had proved their debts under the ſaid commiſſion, did, on the 2d day of *November* laſt, prefer their petition to his Lordſhip, thereby praying (amongſt other things) for the reaſons therein contained, that the ſaid *Anthony Williams* might be removed from being any longer an aſſignee of the eſtate and effects of the ſaid bankrupt under the ſaid commiſſion, and that a new aſſignee or aſſignees might be choſen to act with the ſaid *John Murray*; and that the ſaid *Anthony Williams* might join in executing an aſſignment of the ſaid bankrupt's perſonal, and bargain and ſale of his real eſtates, to ſuch new aſſignee or aſſignees, ſo to be choſen and appointed; It was by the ſaid Lord High Chancellor ordered, with the conſent of the ſaid *Anthony Williams*, that he the ſaid *Anthony Williams* ſhould be removed from being an aſſignee of the eſtate and effects of the ſaid *J. N.* the bankrupt; and that the major part of the commiſſioners in the before-mentioned commiſſion named, ſhould call a meeting of the creditors, for chooſing another aſſignee or aſſignees, to act with the ſaid *John Murray* the other aſſignee; and that the ſaid *Anthony Williams* ſhould join in executing an aſſignment of

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the ſaid bankrupt's perſonal eſtate, and a bargain and ſale of his real eſtates, to ſuch new aſſignee or aſſignees ſo to be appointed, as in and by the ſaid recited indenture of aſſignment and order, relation being thereunto reſpectively had, will more fully and at large appear. And whereas, in purſuance of the ſaid order, the major part of the commiſſioners named in the ſaid commiſſion cauſed due notice to be given and publiſhed in the *London Gazette*, appointing the creditors of the ſaid *J. N.* to meet at the *Guildhall* of the city of *London* this preſent 10th day of *January*, for the choice of a new aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, in the room of the ſaid *Anthony Williams*: And whereas, at ſuch meeting, the major part in value of the creditors of the ſaid *J. N.* preſent, who had proved their debts under the ſaid commiſſion, amounting to 10*l.* or upwards, did nominate, elect, and chooſe the ſaid *John Buckley* and *George Greathead* to be new aſſignees of the eſtate and effects of the ſaid *J. N.* in the room of the ſaid *Anthony Williams*, to act with the ſaid *John Murray*: Now this indenture witneſſeth, that in purſuance of the ſaid recited order, and in obedience thereto, and in conſequence of ſuch meeting held at *Guildhall* as aforeſaid, and for and in conſideration of the ſum of 5*s.* of lawful money of *Great Britain*, to him the ſaid *Anthony Williams* in hand paid by the ſaid *John Murray*, *John Buckley*, and *George Greathead*, at or before the ſealing and delivery of theſe preſents (the receipt whereof is hereby acknowledged), and alſo for and in conſideration of the covenants hereinafter, on the part

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and behalf of the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their executors and adminiſtrators, covenanted to be performed and done, he the ſaid *Anthony Williams* (by and with the privity, conſent, and direction of the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry*, the major part of the commiſſioners named and authoriſed in and by the ſaid commiſſion (teſtified by their being made parties to, and ſealing and delivering theſe preſents) hath bargained, ſold, aſſigned, transferred, and ſet over, and by theſe preſents doth bargain, ſell, aſſign, transfer, and ſet over unto the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their executors, adminiſtrators, and aſſigns, all and ſingular the leaſehold meſſuages or tenements, and premiſes, in the ſaid county of *Middleſex* and elſewhere, goods, wares, chattels, debts, ſum and ſums of money, bills, bonds, notes, dues, duties, claims, and demands whatſoever; and all other the perſonal eſtate and effects whatſoever and whereſoever of the ſaid *J. N.* of which he was poſſeſſed or entitled unto, or of which any other perſon or perſons was or were poſſeſſed, in truſt for him, at the time he became bankrupt as aforeſaid, either ſeparately or in partnerſhip with any perſon or perſons whatſoever, remaining unreceived and not diſpoſed of by the ſaid *Anthony Williams* and *John Murray*; and all the eſtate, right, title, intereſt, property, claim, and demand whatſoever of him the ſaid *Anthony Williams*, of, in, or to the ſame, or any part thereof, as aſſigneee of the eſtate and effects of the ſaid *J. N.* as aforeſaid. And the ſaid commiſſioners, parties to theſe preſents, for and in conſideration

ſideration of the ſum of 5*s.* of lawful money of *Great Britain*, to them in hand paid by the ſaid *John Murray*, *John Buckley*, and *George Greathead*, at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged, have, and each and every of them hath ratified and confirmed, and by theſe preſents do, and each and every of them doth (as much as in them lieth, and as they can and lawfully may) ratify and confirm unto the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their executors, adminiſtrators, and aſſigns, all and ſingular the ſaid leaſehold meſſuages or tenements, and premiſes, in the ſaid county of *Middleſex* and elſewhere, goods, wares, chattels, debts, ſum and ſums of money, bills, bonds, notes, dues, duties, claims and demands whatſoever, and all other the perſonal eſtate whereſoever of the ſaid *J. N.* of which he was poſſeſſed or entitled unto, or of which any other perſon or perſons was or were poſſeſſed, in truſt for him, at the time he became a bankrupt as aforeſaid, either ſeparately or in partnerſhip with any perſon or perſons whatſoever, remaining unreceived and not diſpoſed by the ſaid *Anthony Williams* and *John Murray*, herein before ordered, bargained, ſold, aſſigned, and ſet over by the ſaid *Anthony Williams*; To have and to hold, aſk, demand, ſue for, recover, and receive all and ſingular the ſaid leaſehold meſſuages or tenements, and premiſes, goods, wares, chattels, debts, ſum and ſums of money, bills, bonds, notes, dues, duties, claims, and demands whatſoever and whereſoever, late of the ſaid *J. N.* and other the eſtate and effects of the ſaid *J. N.* hereby bargained,

bargained, ſold, and aſſigned, or mentioned or intended ſo to be, unto the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their executors, adminiſtrators, and aſſigns: Upon truſt, nevertheleſs, to and for the uſe, behoof, benefit, and advantage of them the ſaid *John Murray*, *John Buckley*, and *George Greathead*, and all and every other the creditors of the ſaid *J. N.* who have already ſought, or ſhall hereafter in due time come in and ſeek relief under the ſaid commiſſion, according to the directions and limitations of the ſeveral ſtatutes made and now in force concerning bankrupts, ſome or one of them. And the ſaid *John Murray*, *John Buckley*, and *George Greathead*, do hereby ſeverally and reſpectively, and not jointly or one for the other of them, but each of them for himſelf, his executors and adminiſtrators, covenant, promiſe, grant, and agree to and with the ſaid commiſſioners, parties to theſe preſents, their executors and adminiſtrators, in manner following (that is to ſay) That they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their executors, adminiſtrators, and aſſigns, ſhall and will, with all convenient ſpeed, by all lawful and equitable ways and means, uſe their and each and every of their utmoſt power and endeavours to get in, recover, and receive all and every the goods, wares, chattels, debts, ſum and ſums of money, bills, bonds, notes, dues, duties, claims, and demands, and all other the eſtate and effects whatſoever and whereſoever, late of the ſaid *J. N.* hereby aſſigned or mentioned, or intended ſo to be, and which are now outſtanding and unreceived; and after poſſeſſion had and obtained

tained thereof, ſhall and will, with all convenient ſpeed, ſell and diſpoſe thereof, together with ſuch part of the ſaid leaſehold premiſes as are now unſold and undiſpoſed of, to and for the moſt and beſt price and value which they can get for the ſame. And further, that they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their executors and adminiſtrators, ſhall and will, at all times hereafter, upon reaſonable requeſt to them made by the major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, give and render unto the ſaid commiſſioners a full and true account of all their receipts and payments touching the ſaid bankrupt's eſtate and effects hereby aſſigned, or mentioned and intended ſo to be, and ſhall and will diſtribute and divide amongſt the creditors of the ſaid *J. N.* who ſhall have duly proved their debts under the ſaid commiſſion, in proportion to their ſeveral and reſpective debts, ſuch part of the net produce of the ſaid eſtate and effects, as the ſaid commiſſioners, parties hereto, or the major part of the commiſſioners named and authoriſed in and by the ſaid commiſſion, ſhall from time to time order and direct. And laſtly, that they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their executors and adminiſtrators, ſhall and will from time to time, and at all times hereafter, well and ſufficiently ſave harmleſs, and keep indemnified the ſaid commiſſioners, parties to theſe preſents, and the reſt of the commiſſioners in the ſaid commiſſion named, or in any renewed commiſſion to be named, and every of them, their and every of their heirs, executors, and adminiſtrators, and their

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and every of their agents, ſervants, bodies, lands, tenements, goods and chattels, of and from, and againſt all and all manner of action and actions, ſuits, arreſts, coſts, charges, loſſes, damages, demands, and expences which they or any or either of them ſhall ſuſtain, ſuffer, or be put unto for or by reaſon of this preſent deed of aſſignment, or any other matter hereinbefore ſpecified, or by any act or acts, thing or things, lawfully done or executed by them, any or either of them, by virtue of or under the ſaid commiſſion.

In witneſs, &c.

Bargain and Sale when one Aſſignee is removed.

This indenture of three parts, made the 10th day of *January*, in the 25th year of the reign of our Sovereign Lord *George* the Third by the grace of God of *Great Britain*, *France*, and *Ireland* king, defender of the faith, and ſo forth, and in the Year of our Lord 1785, between *Anthony Williams*, of *Farnham*, in the county of *Surry*, merchant, and *John Murray*, of *Fleet-ſtreet*, in the city of *London*, bookſeller, of the firſt part; *Thomas Hotchkin* and *Henry Stebbing*, Eſquires, and *Robert Fry*, Gentleman, the major part of the commiſſioners named and authorized in and by a commiſſion of bankrupt awarded and iſſued againſt *J. N.* late of *Golden-ſquare*, in the pariſh of Saint *James*, *Weſtminſter*, in the county of *Middleſex*, ſurgeon, dealer and chapman, of the ſecond part; and *John Buckley*, of *Glaſshouſe-ſtreet*,

ſtreet, in the ſaid pariſh of Saint *James*, *Weſtminſter*, in the county of *Middleſex*, ſadler, and *George Greathead*, of *Vigo-lane*, in the ſaid pariſh of Saint *James*, *Weſtminſter*, in the county of *Middleſex*, poulterer, of the third part: Whereas by indenture of bargain and ſale, bearing date on or about the 21ſt day of *March*, which was in the year of our Lord 1783, and made or mentioned to be made between the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry*, the commiſſioners above named, of the one part, and *David Caddell*, of *Chancery-lane*, *London*, Gentleman, of the other part, reciting, that his Majeſty's commiſſion under the great ſeal of *Great Britain*, grounded upon the ſeveral ſtatutes made and then in force concerning bankrupts, bearing date at *Weſtminſter* the 18th day of *March* then laſt paſt, had been awarded and iſſued againſt the ſaid *J. N.* directed to them the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry*, together with *Edward Wilmot* and *Peter Johnſton*, Eſquires, thereby giving power and authority to them the ſaid commiſſioners, four or three of them, to execute the ſame according to the directions of the ſtatute therein mentioned; and alſo reciting, that the major part of the commiſſioners in and by the ſaid commiſſion named and authorized having begun to put the ſaid commiſſion into execution, upon examination of witneſſes, and other good proof upon oath before them had and taken, had found that the ſaid *J. N.* for ſeveral years next preceding the date and iſſuing the ſaid commiſſion, exerciſed and followed the buſineſs of a ſurgeon, in buying and ſelling divers and ſundry drugs and medicines, and alſo in making and manufacturing

manufacturing of drugs and medicines into certain drops and pills, called "Meredant's Drops," "Vaundour's Pills," and "Wade's Aſthmatic Drops," and making and ſelling the ſame, and thereby ſought and endeavoured to get his living as other traders, and dealers, and venders of medicines uſually did; and by means of ſuch trading as aforeſaid, he the ſaid *J. N.* became juſtly indebted to *John Cook* in the ſum of £. 100 and upwards; and being ſo indebted, he the ſaid *J. N.* in the judgment and opinion of the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry* (parties thereto) had become a bankrupt, within the intent and meaning of the ſeveral ſtatutes made, and now in force concerning bankrupts, ſome or one of them, before the date and ſuing forth of the ſaid commiſſion; and alſo reciting, that the ſaid commiſſioners (parties thereto, and to theſe preſents) in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, found, or it otherwiſe appeared to them, that the ſaid *J. N.* at the time of his becoming bankrupt as aforeſaid, was poſſeſſed of, intereſted in, or entitled to ſeveral freehold lands, meſſuages, or tenements and eſtates, in the county of *Middleſex* and elſewhere, and that the ſaid commiſſioners (parties thereto and to theſe preſents) thought it neceſſary, for the better preſerving and ſecuring ſuch the real eſtates of the ſaid *J. N.* to appoint an aſſignee proviſionally, until choice ſhould be made, by the major part in value of the creditors, of an aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, purſuant to notice to be given in the *London Gazette*

for that purpoſe; it was by the ſaid indenture now in recital witneſſed, that the ſaid commiſſioners (parties thereto and to theſe preſents) for the purpoſes therein and hereinbefore mentioned, and in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, and by force and virtue thereof, and for other the conſiderations therein mentioned, did, as much as in them the ſaid commiſſioners lay, and they lawfully might, order, grant, bargain, and ſell unto him the ſaid *David Caddell*, the meſſenger under the ſaid commiſſion, his heirs and aſſigns, all the ſaid bankrupt's meſſuages, lands, tenements, and hereditaments, ſituate and being in the county of *Middleſex* and elſewhere, and all the eſtate, right, title, intereſt, uſe, truſt, property, poſſeſſion, benefit, equity of redemption, claim, and demand whatſoever, which he the ſaid *J. N.* at the time of his becoming bankrupt as aforeſaid, had, of, in, or to the ſame, or any part thereof, and all other meſſuages, lands, tenements, and hereditaments whatſoever and whereſoever, which he the ſaid *J. N.* had purchaſed or obtained for money or other recompence, jointly with his wife, children or child, to the only uſe of him the ſaid *J. N.* and alſo all ſuch uſe, eſtate, intereſt, right, and title whatſoever, which he the ſaid *J. N.* had, of, in, or to any meſſuages, lands, tenements, and hereditaments whatſoever, at the time he became a bankrupt as aforeſaid, which hecould depart with, and all and ſingular other the premiſes, to hold all and ſingular the ſaid meſſuages, lands, tenements, and hereditaments, with their and every of their appurtenances, unto and to the uſe of the ſaid *David Caddell*,

dell, his heirs and aſſigns, for ever, in truſt nevertheleſs for the immediate preſervation thereof, but to and for the uſe, benefit, and advantage of all the creditors of the ſaid *J. N.* who had then ſought, or ſhould in due time come in and ſeek relief under the ſaid commiſſion, according to the ſeveral ſtatutes therein mentioned. or ſome or one of them, and to and for no other uſe, truſt, intent, or purpoſe whatſoever; and the ſaid *David Caddell* did thereby for himſelf, his heirs, executors, and adminiſtrators, and for every of them, covenant, promiſe, and agree to and with the ſaid commiſſioners (parties thereto and to theſe preſents) their heirs, executors, and adminiſtrators, that he the ſaid *David Caddell*, his heirs, executors, or adminiſtrators, ſome or one of them, ſhould and would, as ſoon as an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects ſhould be duly choſen, purſuant to notice in the *London Gazette*, and when he ſhould be thereunto required for that purpoſe, join with the major part of the commiſſioners named in the ſaid commiſſion, in the granting, bargaining, and ſelling all and ſingular the ſaid meſſuages, lands, tenements, and hereditaments, and all other the premiſes therein and hereinbefore mentioned, and intended to be thereby bargained and ſold, unto ſuch perſon or perſons who ſhould be duly choſen and appointed to be aſſignee or aſſignees of the ſaid bankrupt's eſtate; and that he the ſaid *David Caddell* ſhould and would deliver up all the eſtate and effects of the ſaid bankrupt, as ſhould or might have come to his hands or poſſeſſion, or to the hands or poſſeſſion of any other perſon or perſons in truſt for him, or for his uſe, unto ſuch per-

ſon or perſons as ſhould be duly choſen aſſignee or aſſignees of the ſaid bankrupt's eſtate or effects, or otherwiſe, as the ſaid commiſſioners ſhould direct or appoint: And whereas by indenture of three parts, bearing date on or about the 12th day of *April*, which was in the ſaid year of our Lord 1783, and made or mentioned to be made between the ſaid *David Caddell*, by his deſcription aforeſaid, of the firſt part, the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry* (parties hereto) by their deſcription aforeſaid, of the ſecond part, and the ſaid *Anthony Williams* and *John Murray* (parties hereto) by their ſeveral deſcriptions aforeſaid, of the third part, reciting as or to the effect hereinbefore recited; and alſo reciting, that at a meeting of the major part of the commiſſioners in and by the ſaid commiſſion named and authorized, at the *Guildhall* of the city of *London*, on the ſaid 12th day of *April* (the day of the date of the ſaid indenture now in recital) purſuant to notice in the *London Gazette* for that purpoſe given, the major part in value of the creditors of the ſaid *J. N.* then preſent, who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to £. 10 or upwards, did nominate, elect, and chooſe the ſaid *Anthony Williams* and *John Murray* (parties hereto) to be aſſignees of the eſtate and effects of the ſaid *J. N.* and deſired a bargain and ſale thereof to be made to them accordingly by the ſaid *David Caddell* and the ſaid commiſſioners; it was (by the indenture now in recital) witneſſed, that the ſaid *David Caddell*, for the conſiderations therein mentioned, and in purſuance of the ſaid covenant of the ſaid *David Caddell*, in the

laſt hereinbefore-recited indenture of bargain and ſale mentioned, and by the conſent and direction of the ſaid commiſſioners, parties thereto and to theſe preſents (teſtified as therein mentioned) did order, grant, bargain, and ſell unto the ſaid *Anthony Williams* and *John Murray*, their heirs and aſſigns, all the ſaid bankrupt's meſſuages, lands, tenements, and hereditaments, ſituate and being in the county of *Middleſex* and elſewhere, and all the eſtate, right, title, intereſt, uſe, truſt, property, poſſeſſion, benefit, equity of redemption, claim, and demand whatſoever, which he the ſaid *J. N.* at the time of his becoming a bankrupt as aforeſaid, had, of, in, or to the ſame, or to any part thereof, or to all and ſingular the ſaid meſſuages, lands, tenements, hereditaments, and all and ſingular other the premiſes thereinbefore mentioned, and thereby ordered, granted, bargained, and ſold, or mentioned or intended ſo to be, with their and every of their appurtenances, and alſo all other meſſuages, lands, tenements, and hereditaments whatſoever and whereſoever, which he the ſaid *J. N.* had purchaſed, or obtained for money or other recompence, jointly with his wife, children or child, to the only uſe of the ſaid *J. N.* and alſo all ſuch uſe, eſtate, intereſt, right, or title whatſoever, which he the ſaid *J. N.* had, of, in, or to any meſſuages, lands, tenements, and hereditaments whatſoever, at the time he became a bankrupt as aforeſaid, which he could depart with; and all and ſingular other the premiſes therein and hereinbefore mentioned to be thereby bargained and ſold, or mentioned or intended ſo to be, and all the right,

title, intereſt, property, claim, and demand whatſoever of him the ſaid *David Caddell*, of, in, or to the ſame, or any part thereof, as aſſignee of the eſtate and effects of the ſaid *J. N.*; and the ſaid commiſſioners (parties thereto and to theſe preſents) for the conſiderations therein mentioned, as much as in them the ſaid commiſſioners lay, and they lawfully might, did order, grant, and ſell, ratify and confirm unto the ſaid *Anthony Williams* and *John Murray*, their heirs and aſſigns, all the ſaid meſſuages, lands, tenements, and hereditaments, ſituate and being in the county of *Middleſex* and elſewhere, of and belonging to the ſaid *J. N.* therein and hereinbefore ordered, bargained, and ſold by the ſaid *David Caddell*, to hold the ſaid meſſuages, lands, tenements, and hereditaments, with their and every of their appurtenances thereby ordered, bargained, and ſold, ratified and confirmed, unto and to the uſe of the ſaid *Anthony Williams* and *John Murray*, their heirs and aſſigns, upon truſt, nevertheleſs, to and for the uſe, benefit, and advantage of all the ſaid creditors of the ſaid *J. N.* who had then already come in and ſought relief, or ſhould thereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, or any renewed commiſſion againſt the ſaid *J. N.* according to the limitations and directions of the ſeveral ſtatutes in that caſe made and provided: And whereas by an order made in this matter by the Lord High Chancellor of *Great Britain*, bearing date on or about the 15th day of *November* now laſt paſt, reciting, that *John Buckley* and *George Greathead*, two of the creditors of the ſaid *J. N.*

on behalf of themſelves and the ſeveral other creditors of the ſaid *J. N.* who had proved their debts under the ſaid commiſſion, did, on the 2d day of *November* laſt, prefer their petition to his Lordſhip, thereby praying (amongſt other things) for the reaſons therein contained, that the ſaid *Anthony Williams* might be removed from being any longer an aſſignee of the eſtate and effects of the ſaid bankrupt under the ſaid commiſſion, and that a new aſſignee or aſſignees might be choſen in the ſtead of the ſaid *Anthony Williams*, to act with the ſaid *John Murray*, and that the ſaid *Anthony Williams* might join in executing a bargain and ſale of the ſaid bankrupt's real eſtates to ſuch new aſſignee or aſſignees, ſo to be choſen and appointed; it was ordered, with the conſent of the ſaid *Anthony Williams*, that the ſaid *Anthony Williams* ſhould be removed from being any longer an aſſignee of the eſtate and effects of the ſaid *J. N.* the bankrupt, and that the major part of the commiſſioners ſhould call a meeting of the creditors for chooſing another aſſignee or aſſignees to act with the ſaid *John Murray*, the other aſſignee, and that the ſaid *Anthony Williams* ſhould join in executing an aſſignment of the ſaid bankrupt's perſonal eſtate, and a bargain and ſale of his real eſtates, to ſuch new aſſignee or aſſignees ſo to be choſen and appointed, as in and by the ſaid recited indentures of bargain and ſale and order (reference being thereunto reſpectively had) will more fully and at large appear: And whereas, in purſuance of the ſaid recited order, the major part of the commiſſioners named in the ſaid commiſſion cauſed due notice to

be given and publiſhed in the *London Gazette*, appointing the creditors of the ſaid *J. N.* to meet at the Guildhall of the city of *London*, on the 10th day of *January* inſtant, for the choice of a new aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, in the room of the ſaid *Anthony Williams*: And whereas, at a meeting of the major part of the commiſſioners in and by the ſaid commiſſion named and authorized, at the Guildhall of the city of *London*, purſuant to ſuch notice ſo given as aforeſaid, the major part in value of the creditors of the ſaid *J. N.* then preſent, who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to £. 10 and upwards, did nominate, elect, and chooſe the ſaid *John Buckley* and *George Greathead* to be new aſſignees of the eſtate and effects of the ſaid *J. N.* in the room of the ſaid *Anthony Williams*, to act with the ſaid *John Murray*: Now this indenture witneſſeth, that, in purſuance of the ſaid recited order, and in obedience thereto, and for and in conſideration of the ſum of five ſhilling a-piece, of lawful money of *Great Britain*, to them the ſaid *Anthony Williams* and *John Murray* in hand reſpectively paid by the ſaid *John Buckley* and *George Greathead*, at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby reſpectively acknowledged, and alſo for and in conſideration of the covenants hereinafter contained, as well on the part and behalf of the ſaid *John Buckley* and *George Greathead*, their heirs, executors, and adminiſtrators, as of the ſaid *John Murray*, his heirs, executors, and adminiſtrators, to be performed and done,

done, they the ſaid *Anthony Williams* and *John Murray* have, and each of them hath (by and with the privity, conſent, and direction of the ſaid *Thomas Hotchkin*, *Henry Stebbing*, and *Robert Fry*, the major part of the commiſſioners named and authorized in and by the ſaid commiſſion (teſtified by their being parties to, and ſealing and delivering of theſe preſents) bargained and ſold, and by theſe preſents do, and each of them doth, bargain and ſell unto the ſaid *John Murray*, *John Buckley*, and *George Greathead*, and their heirs, all and ſingular the freehold meſſuages, lands, tenements, and hereditaments, ſituate and being in the county of *Middleſex*, or elſewhere, in the kingdom of *Great Britain*, late of him the ſaid *J. N.* remaining unſold and undiſpoſed of by the ſaid *Anthony Williams* and *John Murray*, together with all and ſingular houſes, outhouſes, edifices, buildings, barns, ſtables, gardens, orchards, curtilages, meadows, feedings, trees, woods, underwoods, commons, common of paſture, ways, waters, watercourſes, ponds, pools, ways, paths, paſſages, and all other rights, liberties, privileges, profits, commodities, advantages, emoluments, and appurtenances whatſoever, to the ſaid meſſuages, lands, tenements, hereditaments, and premiſſes ſo remaining unſold and undiſpoſed of as aforeſaid, or any part or parcel thereof, belonging or in anywiſe appertaining, or therewith or with any part thereof at any time heretofore held, uſed, occupied, or enjoyed, or accepted, reputed, deemed, taken, or known as part, parcel, or member thereof, and all the eſtate, right, title, intereſt, uſe, truſt, property, poſſeſſion, benefit, equity

equity of redemption, claim and demand whatſoever of them the ſaid *Anthony Williams* and *John Murray*, and each of them, of, in, and to the ſaid hereditaments and premiſſes hereinbefore bargained and ſold, or intended ſo to be, or any part or parcel thereof, as aſſignees of the real eſtates of the ſaid *J. N.* as aforeſaid. And the ſaid commiſſioners, parties to theſe preſents, for and in conſideration of the ſum of five ſhillings, of lawful money of *Great Britain*, to them in hand paid by the ſaid *John Buckley* and *George Greathead*, at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged, have, and each and every of them hath ratified and confirmed, and by theſe preſents do, and each and every of them doth (as much as in them lieth, and as they can and lawfully may) ratify and confirm unto the ſaid *John Murray*, *John Buckley*, and *George Greathead*, and their heirs, the ſaid freehold meſſuages, lands, tenements, and hereditaments, ſituate and being in the county of *Middleſex*, or elſewhere, in the kingdom of *Great Britain*, late of him the ſaid *J. N.* remaining unſold and undiſpoſed of by the ſaid *Anthony Williams* and *John Murray*, with their and every of their appurtenances, and hereinbefore bargained and ſold, or intended ſo to be as aforeſaid, to have and to hold the ſaid meſſuages or tenements, lands, hereditaments, and all and ſingular other the premiſes hereinbefore mentioned to be hereby bargained and ſold, ratified and confirmed, or intended ſo to be, and every part and parcel thereof, with their and every of their rights, members, and appurtenances,

unto

unto the ſaid *John Murray*, *John Buckley*, and *George Greathead*, and their heirs, to the only proper uſe and behoof of the ſaid *John Murray*, *John Bulkley*, and *George Greathead*, their heirs and aſſigns, for ever, according to the ſaid *Anthony Williams* and *John Murray's* right and intereſt therein, ſubject to ſuch mortgage or mortgages, or other charges or incumbrances (if any ſuch there be) as the ſame are legally charged with or liable to, in truſt, nevertheleſs, to and for the uſe, benefit, ſatisfaction, and payment of them the ſaid *John Murray*, *John Buckley*, and *George Greathead*, and all other the creditors of the ſaid *J. N.* who already have come in and ſought relief, or ſhall in due time hereafter come in and ſeek relief under the ſaid commiſſion, or any renewed commiſſion againſt the ſaid *J. N.* and duly prove and aſcertain their reſpective debts under the ſame, according to the directions and limitations of the ſaid ſeveral ſtatutes; and the ſaid *John Murray*, *John Buckley*, and *George Greathead*, do hereby for themſelves ſeverally and reſpectively, and not jointly, or the one for the other of them, but each of them for himſelf, his heirs, executors, and adminiſtrators acts and deeds only, covenant, promiſe, and agree to and with the ſaid commiſſioners, parties to theſe preſents, their heirs, executors, and adminiſtrators, in manner following (that is to ſay) that they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their heirs and aſſigns, ſhall and will, with all convenient ſpeed, uſe their beſt endeavours, by ſuits at law or otherwiſe, to recover and get poſſeſſion of all and ſingular the ſaid meſ-

ſuages,

ſuages, lands, tenements, and hereditaments hereinbefore bargained and ſold, or mentioned or intended ſo to be, with their and every of their appurtenances, and ſhall and will, after recovery and poſſeſſion had of the ſame, or any part thereof, make ſale and diſpoſition thereof, and of every part thereof, with the like convenient ſpeed, for the moſt money and beſt price they or any of them can or may obtain for the ſame; and further, that they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their heirs, executors, and adminiſtrators, ſhall and will, from time to time, and at all times hereafter, upon reaſonable requeſt or notice to them for that purpoſe given, under the hands of the commiſſioners by the ſaid commiſſion, or any renewed commiſſion, authorized as aforeſaid, or the major part of them, render and give unto the ſaid commiſſioners by the ſaid commiſſion, or any renewed commiſſion, authorized as aforeſaid, or the major part of them, a juſt and true account of all and every ſuch ſum and ſums of money, or other ſatisfaction, which they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their heirs, executors, or adminiſtrators reſpectively, ſhall or may have received, obtained, or raiſed by virtue of theſe preſents, or by means of this preſent deed of bargain and ſale, out of the ſaid *J. N.*'s eſtate hereby bargained and ſold; and all ſuch monies or other ſatisfaction as ſhall appear to be ſo by them reſpectively received, had, obtained, or raiſed by them as aforeſaid, they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, ſhall and will (after all juſt allowances thereout deducted)

ducted) upon the like reaſonable requeſt, well and truly pay, ſatisfy, and render, or cauſe to be paid, ſatisfied, and rendered to them the ſaid commiſſioners ſo authorized, or the major part of them, or as they, or the major part of them, ſhall direct or appoint, under their hands, to the end the ſame monies, or other ſatisfaction, may be by them the ſaid commiſſioners, in and by the ſaid commiſſion, or any renewed commiſſion, authorized, or the major part of them, ordered, diſpoſed, diſtributed, and divided unto and amongſt all and every the creditors of the ſaid *J. N.* who have already come in and ſought relief, or ſhall hereafter in due time come in and ſeek relief, by virtue of the ſaid commiſſion, according to the limitations of the ſaid ſtatutes therein mentioned as aforeſaid, to the end the ſame monies and other ſatisfaction may be anſwered and paid to the creditors ſeeking relief as aforeſaid, proportionably, according to their ſeveral debts due and owing to them reſpectively from the ſaid *J. N.* according to the order of dividend to be made by the ſaid commiſſioners of the ſame; and they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, for themſelves ſeverally and reſpectively, and for their ſeveral and reſpective heirs, executors, and adminiſtrators, do further covenant, promiſe, and agree to and with the ſaid commiſſioners, parties hereto, and to and with every of them, their and every of their executors and adminiſtrators, by theſe preſents, that they the ſaid *John Murray*, *John Buckley*, and *George Greathead*, their and each and every of their heirs, executors, and adminiſtrators, ſhall and will, from time to time

time and at all times hereafter, well and ſufficiently ſave, defend, keep harmleſs and indemnified, as well the ſaid commiſſioners, parties to theſe preſents, in and by the ſaid commiſſion named and authorized, or by any renewed commiſſion to be named and authorized, and their heirs, executors, and adminiſtrators, and every of them, as their and every of their bodies, goods, chattels, lands, and tenements, and every of them, their and every of their meſſengers, agents, and ſervants, who have been by them or any of them employed in or about the execution of the ſaid commiſſion, of, from, and againſt all and all manner of action and actions, ſuits, troubles, charges, damages, and expences whatſoever, that ſhall or may, at any time or times hereafter, ariſe, happen, or come unto them the ſaid commiſſioners, or any or either of them, or any of their meſſengers, agents, ſervants, heirs, executors, or adminiſtrators, for or by reaſon or means of this preſent deed of bargain and ſale, or any other matter or thing by them, or any or either of them, lawfully acted or done by virtue of the ſaid recited commiſſion, or by their or any of their lawfully intermeddling in the eſtate and effects of the ſaid *John Norton*. In witneſs, &c.

Aſſignment by one Aſſignee to himſelf and new Aſſignee, the former Aſſignee having abſconded and become Bankrupt.

THIS indenture of three parts, made the 12th day of *November*, in the thirty-ſeventh year of the reign

reign of our ſovereign *George* the Third, by the grace of God of *Great Britain*, *France*, and *Ireland* King, Defender of the Faith, and ſo forth, and in the year of our Lord 1796, between *George Vaughan*, of *Gravel-lane*, in the county of *Surry*, hat-manufacturer, of the firſt part; *Henry Hall* and *Spencer Percival*, Eſquires, and *John Willington*, Gentleman, the major part of the commiſſioners named and authorized in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *C. C.* late of *New Bond-ſtreet*, in the county of *Middleſex*, hatter, dealer, and chapman, of the ſecond part; and *John Rawlinſon Harris*, of *Cannon-ſtreet*, *London*, hatter, of the third part. Whereas a commiſſion of bankrupt under the great ſeal of *Great Britain*, bearing date at *Weſtminſter*, the 30th day of *April*, 1794, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, or ſome or one of them, hath been awarded and iſſued forth againſt the ſaid *C. C.* directed to the ſaid *Henry Hall*, *Spencer Percival*, and *John Willington*, together with *Andrew Huddleſton* and *Peter Johnſton*, Eſquires, thereby giving full power and authority to the ſaid commiſſioners, four or three of them, to execute the ſame, as in and by the ſaid commiſſion, relation being thereunto had, doth more fully and at large appear: And whereas the ſaid *Henry Hall*, *Spencer Percival*, and *John Willington*, being the major part of the ſaid commiſſioners in the ſaid commiſſion named and authorized, having begun to put the commiſſion into execution, upon due examination of witneſſes, and other good proof, upon oath before them had and taken, found,

or

or it otherwiſe appeared to them, that the ſaid *C. C.* had for two years then laſt paſt carried on the trade and buſineſs of an hatter, and did by ſuch trade and buſineſs ſeek and endeavour to get his living, as other people of the ſame trade uſually do, and that he the ſaid *C. C.* before the date and ſuing forth of the ſaid commiſſion, became indebted unto *Robert Hancock*, then late of *South Molton-ſtreet*, in the county of *Middleſex*, but then of *Cirenceſter*, in the county of *Glouceſter*, Gentlemen, in the ſum of £.715 and upwards: And whereas the ſaid *C. C.* did, in the judgment of the major part of the ſaid commiſſioners, become bankrupt, to all intents and purpoſes, within the compaſs, true intent, and meaning of the ſeveral ſtatutes in the ſaid commiſſion mentioned, ſome or one of them, and they adjudged and declared him bankrupt accordingly: And whereas, by indenture bearing date the 12th day of *May*, 1794, and made or mentioned to be made between the ſaid *Henry Hall*, *Spencer Percival*, and *John Willington*, of the one part, and *Thomas Vaughan*, therein named, of the other part, reciting as hereinbefore is recited; and alſo further reciting, that the ſaid commiſſioners, parties thereto, thought it neceſſary, for the better preſerving and ſecuring the eſtate and effects of the ſaid *C. C.* to appoint an aſſignee proviſionally of his eſtate and effects, until choice ſhould be made, by the major part in value of the creditors, of an aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, purſuant to notice to be given in the *London Gazette* for that purpoſe: It was witneſſed, that the ſaid commiſ-

ſioners,

ſioners, parties thereto, for the conſiderations therein mentioned, did thereby appoint the ſaid *Thomas Vaughan* aſſignee of the eſtate and effects of the ſaid *C. C.*; and did alſo, as much as in them lay, and they lawfully might, order, bargain, and ſell, diſpoſe, aſſign, and ſet over unto the ſaid *Thomas Vaughan*, his executors, adminiſtrators, and aſſigns, all and ſingular the goods, wares, and merchandizes, chattels, ſtock in trade, debts, ſum and ſums of money, and all other the perſonal eſtate whatſoever of the ſaid *C. C.* of which he was poſſeſſed or entitled unto, or of which any other perſon or perſons was or were poſſeſſed, in truſt for him, at the time he became bankrupt, or at any time ſince, to hold, aſk, demand, ſue for, recover, levy, and receive all and ſingular the premiſſes thereby aſſigned, or mentioned or intended ſo to be, unto the ſaid *Thomas Vaughan*, his executors, adminiſtrators, and aſſigns, in truſt for the immediate preſervation thereof, and to and for the uſe, benefit, and advantage of all the creditors of the ſaid *C. C.* who had then ſought, or ſhould thereafter in due time come in and ſeek relief under the ſaid commiſſion, according to the ſeveral ſtatutes therein mentioned, or ſome or one of them, and to or for no other uſe, truſt, intent, or purpoſe whatſoever. And the ſaid *Thomas Vaughan* did, in and by the ſaid recited indenture of aſſignment, covenant and agree to and with the ſaid commiſſioners, parties thereto, their executors and adminiſtrators, and to and with every of them, that he the ſaid *Thomas Vaughan*, his executors or adminiſtrators, or ſome or one of them, ſhould or would, as ſoon as an aſſignee or aſſignees

of the eſtate and effects of the ſaid bankrupt ſhould be duly choſen and appointed, join with the major part of the commiſſioners authorized by the ſaid commiſſion, in aſſigning all and ſingular the ſaid goods, chattels, debts, ſum and ſums of money, wares and merchandizes, and all other the premiſſes in the ſaid recited indenture aſſigned to him, unto ſuch perſon or perſons as ſhould be duly choſen and appointed to be the aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt; and that he the ſaid *Thomas Vaughan* would deliver up all the effects of the ſaid bankrupt, as ſhould or might have come to his hands or poſſeſſion, or to the hands or poſſeſſion of any other perſon or perſons, to ſuch perſon or perſons as ſhould be duly choſen aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, or otherwiſe, as the ſaid commiſſioners ſhould direct and appoint, as in and by the ſaid recited indenture may more fully and at large appear: And whereas at a meeting of the major part of the commiſſioners in and by the ſaid commiſſion named and authorized, at the Guildhall of the city of *London*, the 31ſt day of *May*, 1794, purſuant to notice in the *London Gazette* for that purpoſe given, the major part in value of the creditors of the ſaid *C. C.* then preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to ten pounds or upwards, did nominate, elect, and chooſe the ſaid *George Vaughan* and *James Wall*, then of *Duke-ſtreet*, *Manchester ſquare*, in the ſaid county of *Middleſex*, to be the aſſignees of the eſtate and effects of the ſaid *C. C.* and deſired an aſſignment thereof

to be made to them accordingly by the ſaid *Thomas Vaughan* and the ſaid commiſſioners: And whereas by indenture of three parts, bearing date the 31ſt day of *May*, 1794, made between the ſaid *Thomas Vaughan* of the firſt part, the ſaid commiſſioners, parties hereto, of the ſecond part, and the ſaid *George Vaughan* and *James Wall* of the third part, the ſaid *Thomas Vaughan*, for the conſiderations therein mentioned, by the conſent and direction of the ſaid commiſſioners, parties hereto, teſtified by their being made parties to, and ſealing and delivering thereof, did order, bargain, ſell, diſpoſe, aſſign, and ſet over unto the ſaid *George Vaughan* and *James Wall*, their executors and adminiſtrators, all and ſingular the goods, wares, and chattels, debts, ſum and ſums of money, and all other the perſonal eſtate whatſoever of the ſaid *C. C.* of which he was poſſeſſed or entitled unto, or of which any other perſon or perſons was or were poſſeſſed, in truſt for him, at the time he became bankrupt, or at any time ſince, and all the right, title, intereſt, property, claim, and demand whatſoever of him the ſaid *Thomas Vaughan*, of, in, or to the ſame, or any part thereof, as proviſional aſſignee of the eſtate and effects of the ſaid *C. C.* as aforeſaid; and the ſaid commiſſioners, parties thereto, being the major part of the commiſſioners in and by the ſaid commiſſion named and authorized, in conſideration of five ſhillings to them or one of them in hand alſo paid by the ſaid *George Vaughan* and *James Wall*, did, as much as in them lay, and they lawfully might, ratify and confirm unto the ſaid *George Vaughan* and *James Wall*, all and ſingular the ſaid goods, wares, and

chattels, debts, ſum and ſums of money, and other things, and all the eſtate whatſoever and whereſoever, of and belonging to the ſaid *C. C.* thereinbefore ordered, bargained, ſold, diſpoſed aſſigned, and ſet over by the ſaid *Thomas Vaughan*, party thereto, to hold to the ſaid *George Vaughan* and *James Wall*, their executors, adminiſtrators, and aſſigns, upon truſt nevertheleſs to and for the uſe, benefit, and advantage of all the creditors of the ſaid *C. C.* who had then already ſought, or ſhould thereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes in that behalf made and provided, and to and for no other uſe, intent, or purpoſe whatſoever, as in and by the ſaid laſt-recited indenture of aſſignment, relation being thereunto had, may more fully and at large appear: And whereas, ſince the ſaid commiſſion of bankrupt was awarded and iſſued forth againſt the ſaid *C. C.* the ſaid *J. W.* hath alſo become bankrupt, and hath abſconded and left this kingdom: And whereas application hath been duly made to the major part of the commiſſioners named in the ſaid commiſſion againſt the ſaid *C. C.* to appoint a time and place purſuant to the order of the Lord High Chancellor of *Great Britain* of the 8th day of *March*, 1794, for the choice of a new aſſignee or aſſignees in the room of the ſaid *J. W.* who hath ſo become bankrupt, and hath ſo abſconded as aforeſaid: And whereas the commiſſioners, parties to theſe preſents, did therefore cauſe notice to be given, purſuant to the directions of the ſaid order, in the *London Gazette*,

zette, that the commiſſioners intended to meet on the 12th day of this inſtant *November*, at 12 o'clock at noon, at the Guildhall, *London*, in order to proceed to the choice of a new aſſignee or aſſignees in the room of the ſaid *J. W.*: And whereas the commiſſioners, parties to theſe preſents, in purſuance of the ſaid order, and likewiſe of the ſaid notice ſo given as aforeſaid, met at the Guildhall of the city of *London* this 12th day of *November*, 1796, in order to chooſe an aſſignee or aſſignees of the eſtate and effects of the ſaid *C. C.* and the major part of the creditors of the ſaid *C. C.* preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to ten pounds and upwards, did nominate, elect, and chooſe the ſaid *John Rawlinſon Harris* to be the aſſignee of the eſtate and effects of the ſaid *C. C.* remaining unreceived and not diſpoſed of, in the room of the ſaid *J. W.*: Now this indenture witneſſeth, that in order to veſt the eſtate and effects of the ſaid *C. C.* in the ſaid *John Rawlinſon Harris* and *George Vaughan*, their executors and adminiſtrators, in truſt for themſelves and the reſt of the creditors of the ſaid *C. C.* in manner hereinafter mentioned, he the ſaid *George Vaughan*, for and in conſideration of the ſum of ten ſhillings of lawful money of *Great Britain*, to him in hand paid by the ſaid *John Rawlinſon Harris*, at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged, and alſo in conſideration of the covenants hereinafter on the part and behalf of the ſaid *John Rawlinſon Harris*, his executors or adminiſtrators, to be per-

formed, by the conſent and direction of the ſaid commiſſioners, parties to theſe preſents, teſtified by their being made parties to, and ſealing and delivering hereof, hath ordered, bargained, ſold, diſpoſed, aſſigned, and ſet over, and by theſe preſents doth order, bargain, ſell, diſpoſe, aſſign, and ſet over unto him the ſaid *George Vaughan* and *John Rawlinſon Harris*, their executors and adminiſtrators, all and ſingular the goods, wares, and merchandizes, chattels, ſtock in trade, debts, ſum and ſums of money, and all other the perſonal eſtate whatſoever and whereſoever, of the ſaid *C. C.* of which he was poſſeſſed or entitled to, or which any other perſon or perſons was or were poſſeſſed of in truſt for him at the time he became bankrupt, or at any time ſince, and all the right, title, intereſt, property, claim, and demand whatſoever of him the ſaid *George Vaughan*, of, in, or to the ſame, or any part thereof, as aſſignee of the eſtate and effects of the ſaid *C. C.*; and the ſaid commiſſioners, parties to theſe preſents, being the major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authorized, in conſideration of five ſhillings to them or one of them in hand alſo paid by the ſaid *John Rawlinſon Harris*, have ratified and confirmed, and by theſe preſents do, as much as in them lies, and they lawfully may, ratify and confirm unto the ſaid *George Vaughan* and *John Rawlinſon Harris*, all and ſingular the ſaid goods, wares, and merchandizes, chattels, ſtock in trade, debts, ſum and ſums of money, and all other the perſonal eſtate whatſoever and whereſoever of and belonging to the ſaid *C. C.* hereinbefore ordered,

dered, bargained, ſold, diſpoſed, aſſigned, and ſet over by the ſaid *George Vaughan*, to have and to hold, aſk, demand, ſue for, recover, levy, and receive the ſaid goods, wares, merchandizes, chattels, ſtock in trade, debts, ſum and ſums of money, and all other the perſonal eſtate whatſoever and whereſoever of or belonging to the ſaid *C. C.* hereby ordered, bargained, ſold, aſſigned, and ſet over, or hereby mentioned or intended ſo to be, unto the ſaid *George Vaughan* and the ſaid *John Rawlinſon Harris*, their executors, adminiſtrators, and aſſigns, upon truſt, nevertheleſs, to and for the benefit and advantage of them the ſaid *George Vaughan* and *John Rawlinſon Harris*, and all and every other the creditors of the ſaid *C. C.* who have already ſought or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes in that behalf made and provided, and to and for no other uſe, intent, or purpoſe whatſoever; and the ſaid *George Vaughan* and *John Rawlinſon Harris*, and each of them for himſelf ſeparate and apart, and the acts and deeds of his own heirs, executors, and adminiſtrators only, and not either of them for the acts and deeds of the other of them, his heirs, executors, and adminiſtrators, do hereby ſeverally and reſpectively covenant, and promiſe, and agree to and with the ſaid commiſſioners, parties hereto by theſe preſents, in manner following (that is to ſay) That each of them the ſaid *George Vaughan* and *John Rawlinſon Harris*, and their reſpective executors, adminiſtrators, and aſſigns, ſhall and will, with all convenient ſpeed, by all lawful and equita-

ble ways and means, uſe his utmoſt endeavours to get in the ſeveral goods, wares, and merchandizes, chattels, ſtock in trade, debts, ſum and ſums of money, and all other the perſonal eſtate and effects whatſoever of the ſaid *C. C.*; and after poſſeſſion had and obtained of the ſaid goods, wares, and merchandizes, chattels, ſtock in trade, debts, ſum and ſums of money, and all other the perſonal eſtate and effects whatſoever, or any part thereof, ſhall and will ſell and diſpoſe of the ſame to and for the moſt or beſt price he or they can or may *(bonâ fide)* obtain for the ſame; and in the mean time, until ſuch dividend or dividends ſhall be made as aforeſaid, that they the ſaid *George Vaughan* and *John Rawlinſon Harris* ſhall and will, from time to time, as and when the money to be received by them or either of them, from or out of the ſaid bankrupt's eſtate and effects, ſhall amount to the ſum of 100*l.* or upwards, pay the ſame, in the joint names of them the ſaid aſſignees, into the hands of the governor and company of the bank of *England*, for ſafe cuſtody, there to remain for the benefit of the creditors of the ſaid *C. C.* and ſubject to the order of the ſaid commiſſioners or the major part of them; and further, that each of them the ſaid *George Vaughan* and *John Rawlinſon Harris*, and their reſpective executors, adminiſtrators, and aſſigns, ſhall and will, from time to time and at all times hereafter, upon reaſonable requeſt and notice to them given for that purpoſe, under the hands of the commiſſioners by the ſaid commiſſion or any renewed commiſſion which may be awarded againſt the ſaid *C. C.* authorized as aforeſaid, or the

major

major part of them, render and give to the ſaid commiſſioners by the ſaid commiſſion or any renewed commiſſion authorized as aforeſaid, or the major part of them, a true, juſt, and perfect account in writing of all and every ſuch ſum and ſums of money, or other ſatisfaction, which they the ſaid *George Vaughan* and *John Rawlinſon Harris*, their executors, adminiſtrators, or aſſigns reſpectively, ſhall or may have had, recovered, and received by virtue of this preſent deed of aſſignment, or otherwiſe, out of the eſtate of the ſaid *C. C.*; and all ſuch monies or other ſatisfaction as ſhall appear to be ſo by them reſpectively had, raiſed, and received by them as aforeſaid, they the ſaid *George Vaughan* and *John Rawlinſon Harris* ſhall and will, after all juſt allowances thereout deducted, upon the like reaſonable requeſt, well and truly pay, ſatisfy, and render, or cauſe to be paid, ſatisfied, and rendered to them the ſaid commiſſioners by the ſaid commiſſion or any renewed commiſſion authorized as aforeſaid, or the major part of them, or to ſuch perſon or perſons as they ſhall appoint, to the end the ſame or other ſatisfaction may be by them the ſaid commiſſioners in and by the ſaid commiſſion named and authorized, or the major part of them, ordered, diſpoſed, diſtributed, and divided unto and amongſt all and every the creditors of the ſaid *C. C.* who have already ſought or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes therein mentioned, proportionably according to the ſeveral debts owing to them reſpectively, of and from the ſaid *C. C.*; and laſtly, they the ſaid *George Vaughan* and *John Rawlinſon*

Rawlinſon Harris, for themſelves ſeverally and reſpectively, and for their ſeveral and reſpective heirs, executors, and adminiſtrators, do further covenant, promiſe, and agree, to and with the commiſſioners, parties hereto, and to and with every of them, their executors and adminiſtrators, that they the ſaid *George Vaughan* and *John Rawlinſon Harris*, their and each of their executors, adminiſtrators, and aſſigns, ſhall and will, from time to time and at all times hereafter, well and ſufficiently ſave, defend, keep harmleſs and indemnified, as well the ſaid commiſſioners in and by the ſaid commiſſion named and authorized or by any renewed commiſſion to be named and authorized, and their heirs, executors, and adminiſtrators, and every of them, as their and every of their bodies, goods, chattels, lands, and tenements, their meſſengers, agents, and ſervants, who have been by them, or any of them, employed in or about the execution of the ſaid commiſſion, of, from, and againſt all and all manner of actions, ſuits, troubles, charges, damages, and expences whatſoever, which ſhall or may, at any time or times hereafter, ariſe, happen, or come unto them the ſaid commiſſioners, or any or either of them, or any of their meſſengers, agents, ſervants, heirs, executors, or adminiſtrators, for or by reaſon or means of this preſent deed, or any other act, matter, or thing, by them, or either or any of them, lawfully acted or done by virtue of the ſaid recited commiſſion, or by their or any of their lawful intermeddling in the eſtate or effects of the ſaid *C. C.* In witneſs whereof the ſaid parties to theſe preſents have hereunto ſet their hands and ſeals the day and year firſt above written.

Conveyance

Conveyance by Leaſe and Releaſe by old Aſſignees, where one Aſſignee only is removed by Order of the Lord Chancellor.

Leaſe and releaſe on removal of one aſſignee.

This indenture made the day of 26th *George* Third, and in the year of our Lord 1786, between of and of of the one part, and of the other part, witneſſeth, that for and in conſideration of the ſum of 5*s.* of lawful money of *Great Britain*, by the ſaid in hand well and duly paid to the ſaid and at or before the ſealing and delivering of theſe preſents, the receipt whereof is hereby acknowledged, they the ſaid and have, and each of them hath bargained and ſold, and by theſe preſents do, and each of them doth, bargain and ſell all the meſſuages, lands, tenements, and hereditaments of *John Thomas*, late of merchant, againſt whom a commiſſion of bankrupt hath been awarded and iſſued; and alſo all the eſtate, right, title, intereſt and truſt, property, poſſeſſion, benefit, equity of redemption, claim, and demand whatſoever, which he the ſaid *John Thomas*, at the time of his becoming a bankrupt as aforeſaid, had, of, in, or to all and ſingular the ſaid meſſuages, lands, tenements, hereditaments, and all and ſingular other the premiſes herein before mentioned, and hereby bargained

ed and sold, or mentioned or intended so to be, with their and every of their appurtenances; and also all other messuages, lands, tenements, and hereditaments whatsoever and wheresoever, which he the said *John Thomas* hath purchased or obtained for money or other recompence, jointly with his wife, children, or child, to the only use of him the said *John Thomas*; and also all such his estate, interest, right, and title whatsoever, which he the said *John Thomas* had, of, in, or to any messuages, lands, tenements, or hereditaments whatsoever, at the time he became bankrupt as aforesaid, which he could depart withal, To have and to hold all and singular the said messuages, lands, tenements, and hereditaments, herein before mentioned to be hereby bargained and sold, with their and every of their appurtenances, unto the said his executors, administrators and assigns, from the day next before the day of the date of these presents, for and during, and unto the full end and term of one whole year from thence next ensuing, and fully to be compleat and ended, yielding and paying therefore, on the last day of the said term, unto the said and their heirs or assigns, the yearly rent of a pepper corn, (if the same shall be lawfully demanded) to the intent and purpose that by virtue of these presents, and of the statute for transferring uses into possession, he the said may be in the actual possession of all and singular the said premises above mentioned, to be bargained and sold, or intended so to be, with the appurtenances, and thereby

thereby be enabled to accept of a grant and releaſe of the freehold and inheritance thereof, to him and his heirs.

In witneſs, &c.

This indenture tripartite, made the day of 25th *George* Third, and in the year of our Lord 1785, between *Thomas Hopkins* of and *John Simpſon* of of the firſt part, *I. K. L. M.* and *N. O.* Eſquires, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued forth againſt *John Thomas*, of the ſecond part, and *C. D.* of of the third part. Whereas a commiſſion of bankrupt, under the Great Seal of *Great Britain*, bearing date at *Weſtminſter* the day of 1785, grounded upon the ſeveral ſtatutes made, and now in force concerning bankrupts, or ſome or one of them, hath been awarded and iſſued forth againſt the ſaid *John Thomas*, directed to the ſaid *I. K. L. M.* and *N. O.* together with *R. S.* and *T. U.* Gentlemen, thereby giving full power and authority to the ſaid commiſſioners, four or three of them, to execute the ſame, as in and by the ſaid commiſſion, relation being thereunto had, doth more fully and at large appear. And whereas the ſaid *I. K. L. M.* and *N. O.* being the major part of the ſaid commiſſioners in the ſaid commiſſion named and authoriſed, having begun to put the ſaid commiſſion into execution, upon due examination of witneſſes, and other good proof upon oath before

fore them had and taken, found, or it otherwiſe appeared to them, that the ſaid *John Thomas* for ſeveral years before the date and ſuing forth of the ſaid commiſſion, exerciſed and followed the trade or buſineſs of a merchant, and ſought and endeavoured to get his living thereby, as others of the ſame trade or buſineſs uſually do; and that he the ſaid *John Thomas*, before the date and ſuing forth of the ſaid commiſſion, became indebted to *V. W.* of in the ſum of 100*l.* and upwards, and being ſo indebted, he the ſaid *John Thomas* did, in the judgment of the major part of the commiſſioners in the ſaid commiſſion named, become bankrupt to all intents and purpoſes, within the true intent and meaning of the ſeveral ſtatutes in the ſaid commiſſion mentioned, ſome or one of them, and they declared him bankrupt accordingly. And whereas at a meeting of the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, at the *Guildhall* of the city of *London*, the day of purſuant to notice in the *London Gazette* for that purpoſe given, the major part in value of the creditors of the ſaid *John Thomas* then preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to 10*l.* or upwards, did nominate, elect, and chuſe the ſaid *Thomas Hopkins* and *John Simpſon*, to be the aſſignees of the eſtate and effects of the ſaid And whereas the major part of the ſaid commiſſioners, by due examination of witneſſes upon oath, found, or it otherwiſe appeared unto them, that the ſaid *John Thomas*, at the time

or

or times he became bankrupt as aforeſaid, was ſeiſed of, intereſted in, or intitled unto divers meſſuages, lands, tenements, and hereditaments, ſituate, lying, and being at in the county of and elſewhere, in the kingdom of *Great Britain*. And whereas the ſaid commiſſioners, parties to theſe preſents, in further execution of the ſaid commiſſion, and of the ſtatutes therein mentioned, and by virtue of the ſame, by indenture bearing date the day of made between the ſaid of the one part, and the ſaid of the other part, and duly enrolled in the High Court of Chancery, did as much as in them lay, and they lawfully might, order, grant, bargain, and ſell unto the ſaid *Thomas Hopkins* and *John Simpſon*, their heirs and aſſigns, all the ſaid bankrupt's meſſuages, lands, tenements, and hereditaments, and alſo all the eſtate, right, title, uſe, truſt, property, poſſeſſion, benefit, equity of redemption, claim, and demand whatſoever, which he the ſaid *John Thomas* at the time of his becoming a bankrupt as aforeſaid, had, of, in, or to all and ſingular the ſaid meſſuages, lands, tenements, hereditaments, and all and ſingular other the premiſes therein and herein before mentioned, and thereby ordered, granted, bargained, ſold, or mentioned, or intended ſo to be, with their and every of their appurtenances; and alſo all other meſſuages, lands, tenements, and hereditaments whatſoever and whereſoever, which he the ſaid *John Thomas* had purchaſed or obtained for money or other recompence jointly with his wife, children, or child, to the only uſe of him the ſaid

John

John Thomas; and alſo all ſuch uſe, eſtate, intereſt, right and title whatſoever, which he the ſaid *John Thomas* had, of, in, or to any meſſuages, lands, tenements, or hereditaments whatſoever, at the time he became bankrupt as aforeſaid, which he could depart withal, to hold the ſame unto the ſaid *Thomas Hopkins* and *John Simpſon*, their heirs and aſſigns, for ever, or according to the ſaid *John Thomas* his right and intereſt therein, ſubject to ſuch mortgage or mortgages, or other charges and incumbrances, (if any ſuch there were) as the ſame were legally charged with, or liable to, in truſt, nevertheleſs, for the benefit and advantage of them the ſaid *Thomas Hopkins* and *John Simpſon*, and all and every other the creditors of the ſaid *John Thomas*, who then had come in and ſought relief, or ſhould thereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, or any renewed commiſſion againſt the ſaid *John Thomas*, and duly prove and aſcertain their ſeveral and reſpective debts under the ſame, according to the directions and limitations of the ſaid ſtatutes; and as to the overplus, if any ſhould be, after payment and ſatisfaction of all ſuch debt or debts as ſhould or might be proved under the ſaid commiſſion, or any renewed commiſſion againſt the ſaid *John Thomas*, and the charges of ſuing forth and proſecuting the ſame, in truſt for the ſaid *Thomas Hopkins* and *John Simpſon*, their heirs or aſſigns, according to the ſaid ſtatutes, and the true intent and meaning thereof. And whereas by an order of the preſent Lord High Chancellor of *Great Britain*, made on the day of inſtant, founded upon the petition of

of and
creditors of the ſaid *John Thomas*, preferred to the ſaid Lord Chancellor, his lordſhip, upon hearing the ſaid petition read, and what was alledged by the counſel for the ſaid petitioners, and by conſent of the counſel for the aſſignees, the ſaid *Thomas Hopkins* and *John Simpſon*, did (amongſt other things) order that the ſaid *Thomas Hopkins*, at his own deſire, ſhould be diſcharged from being an aſſignee of the ſaid bankrupt's eſtate and effects; and that the major part of the ſaid commiſſioners named in the ſaid commiſſion ſhould cauſe due notice forthwith to be given and publiſhed in the *London Gazette*, appointing a time and place for the creditors of the ſaid *John Thomas* to meet, in order to proceed to the choice of a new aſſignee, in the room of the ſaid *Thomas Hopkins*; and that the creditors of the ſaid bankrupt who ſhould be preſent at ſuch meeting ſhould proceed to ſuch new choice accordingly; and that after ſuch choice, the major part of the ſaid commiſſioners ſhould make and execute a new aſſignment of the eſtate and effects of the ſaid bankrupt, remaining unreceived and not diſpoſed of, to ſuch perſon who at ſuch meeting ſhould be choſen ſuch new aſſignee, and that the ſaid *Thomas Hopkins* and *John Simpſon* ſhould join in the ſaid aſſignment to the ſaid new aſſignee, and *John Simpſon*, as by the ſaid in part recited order, relation being thereunto alſo had, may more fully and at large appear. And whereas in purſuance of the ſaid in part recited order, notice on the day of this inſtant was duly given, purporting that the commiſſioners intended

to meet on the day of this inſtant at four of the clock in the afternoon at *Guildhall*, *London*, in order to proceed to the choice of a new aſſignee in the room of the ſaid *Thomas Hopkins*. And whereas the commiſſioners, parties to theſe preſents, in obedience to, and in purſuance of the ſaid order, and likewiſe of the ſaid notice in the *London Gazette*, as aforeſaid, met at the *Guildhall* of the city of *London*, the day of in order to chuſe an aſſignee of the ſaid bankrupt's eſtate and effects, and the major part of the creditors of the ſaid *John Thomas* then preſent, and who had proved their debts under the ſaid commiſſion, and whoſe debts reſpectively amounted to 10*l.* or upwards, did nominate, elect, and chuſe the ſaid *C. D.* to be the aſſignee of the eſtate and effects of the ſaid *John Thomas*, remaining unreceived and not diſpoſed of, in the room of the ſaid *Thomas Hopkins*. Now this indenture witneſſeth, that in obedience to and in purſuance of the ſaid recited order, and in order to veſt the eſtate and effects of the ſaid *John Thomas* in the ſaid *C. D.* and *John Simpſon* and their heirs, in truſt for themſelves and the reſt of the creditors of the ſaid *John Thomas*, in manner hereinafter mentioned, and for and in conſideration of the ſum of 10*s.* a-piece, of lawful money of *Great Britain*, to the ſaid *Thomas Hopkins*, *John Simpſon*, *I. K. L. M.* and *N. O.* in hand paid by the ſaid *C. D.* at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged, they the ſaid *Thomas Hopkins* and *John Simpſon* (with the conſent and by the direction

direction of the ſaid commiſſioners, parties to theſe preſents, teſtified by their being made parties to and ſealing and delivering hereof) have, and each of them hath granted, bargained, ſold, releaſed and confirmed, and by theſe preſents do, and each of them doth grant, bargain, ſell, releaſe, and confirm; and the ſaid commiſſioners, parties to theſe preſents, have ratified and confirmed, and by theſe preſents do as much as in them lies, and they lawfully may, ratify and confirm unto the ſaid *C. D.* (in his actual poſſeſſion, now being by virtue of a bargain and ſale to him thereof made by the ſaid *Thomas Hopkins* and *John Simpſon*, for 5*s.* conſideration, by indenture bearing date the day next before the day of the date of theſe preſents, for one whole year, commencing from the day next before the day of the date of the ſame indenture of bargain and ſale, and by force of the ſtatute made for transferring uſes into poſſeſſion) and to his heirs and aſſigns, all the ſaid bankrupt's meſſuages, lands, tenements, and hereditaments, and alſo all the eſtate, right, title, intereſt, uſe, truſt, property, poſſeſſion, benefit, equity of redemption, claim and demand whatſoever, which he the ſaid *John Thomas*, at the time of his becoming a bankrupt as aforeſaid, had of, in, or to all and ſingular the ſaid meſſuages, lands, tenements, hereditaments, and all and ſingular other the premiſes hereinbefore mentioned, and hereby granted and releaſed or mentioned or intended ſo to be, with their and every of their appurtenances. And alſo all other meſſuages, lands, tenements, and hereditaments whatſoever and whereſoever which he the ſaid *John Thomas* hath purchaſed

chaſed or obtained for money or other recompence jointly with his wife, children or child, to the only uſe of him the ſaid *John Thomas*; and alſo all ſuch uſe, eſtate, intereſt, right and title whatſoever, which he the ſaid *John Thomas* had of, in, or to any meſſuages, lands, tenements or hereditaments whatſoever, at the time he became bankrupt as aforeſaid, which he could depart withal, To have and to hold all and ſingular the ſaid meſſuages, lands, tenements, and hereditaments, with their and every of their appurtenances, unto the ſaid *C. D.* and his heirs, to the uſe of the ſaid *C. D.* and *John Simpſon*, and their heirs and aſſigns for ever, or according to the right and intereſt of the ſaid *John Thomas* therein, ſubject to ſuch mortgage or mortgages, or other charges and incumbrances (if any ſuch there be) as the ſame are legally charged with and liable to, in truſt nevertheleſs, for the benefit and advantage of them the ſaid *John Simpſon* and *C. D.* and all and every other the creditors of the ſaid *John Thomas* who already have come in and fought relief, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, or any renewed commiſſion againſt the ſaid *John Thomas*, and duly prove and aſcertain their ſeveral and reſpective debts under the ſame according to the directions and limitations of the ſaid ſtatutes, and as to the overplus, if any ſhall be, after payment and ſatisfaction of all ſuch debt or debts as ſhall or may be proved under the ſaid commiſſion, or any renewed commiſſion againſt the ſaid *John Thomas*, and the charges of ſuing forth and proſecuting the ſame, in truſt for the ſaid *John Thomas*,

Thomas, his heirs and aſſigns, according to the ſaid ſtatutes, and the true intent and meaning thereof. And the ſaid *John Simpſon* and *C. D.* and each of them for himſelf, ſeparate and apart, and the acts and deeds of his own heirs, executors, and adminiſtrators only, and not either of them for the acts and deeds of the other of them, his heirs, executors, or adminiſtrators, do hereby ſeverally and reſpectively covenant, promiſe, and agree, to and with the ſaid commiſſioners parties hereto, by theſe preſents, in manner following, that is to ſay, that each of them the ſaid *John Simpſon*, and their reſpective heirs and aſſigns, ſhall and will, with all convenient ſpeed, uſe their beſt endeavours, by ſuits at law or otherwiſe, to recover and get poſſeſſion of the ſaid meſſuages, lands, tenements, and hereditaments, and ſhall and will, after recovery and poſſeſſion had of the ſame or any part thereof, make ſale and diſpoſition thereof with the like convenient ſpeed to and for the moſt money and beſt price he or they can or may *bona fide* obtain for the ſame. And further, that they the ſaid *John Simpſon* and *C. D.* their heirs, executors, and adminiſtrators, ſhall and will, from time to time, and at all times hereafter, upon reaſonable requeſt or notice to them given for that purpoſe, under the hands of the commiſſioners, by the ſaid commiſſion, or any renewed commiſſion, authoriſed as aforeſaid, or the major part of them, render and give to the ſaid commiſſioners by the ſaid commiſſion, or any renewed commiſſion, authoriſed as aforeſaid, or the major part of them, a juſt and true account of all and every ſuch ſum and ſums of money, or other ſatisfaction, which they the

ſaid *John Simpſon* and *C. D.* their heirs, executors, or adminiſtrators reſpectively, ſhall or may have received, obtained, or ſatisfied by virtue of theſe preſents, out of the eſtate of the ſaid *John Thomas*, hereby bargained and ſold, and alſo ſuch monies or other ſatisfaction as ſhall appear to be ſo by them reſpectively received, had, obtained, or raiſed by them, as aforeſaid, they the ſaid *John Simpſon* and *C. D.* ſhall and will (after all juſt allowances thereout deducted) upon the like reaſonable requeſt well and truly pay, ſatisfy, and render, or cauſe to be paid, ſatisfied, and rendered to them the ſaid commiſſioners by the ſaid commiſſion, or any renewed commiſſion, authoriſed as aforeſaid, or the major part of them, or as they or the major part of them ſhall direct or appoint under their hands: To the end the ſame monies, or other ſatisfaction may be by them the ſaid commiſſioners in and by the ſaid commiſſion, or any renewed commiſſion authoriſed, or the major part of them, ordered, diſpoſed, diſtributed, and divided unto and amongſt all and every the creditors of the ſaid *John Thomas*, who have already come in and ſought relief, or ſhall hereafter in due time come in and ſeek relief by virtue of the ſaid commiſſion, according to the limitations of the ſaid ſtatutes therein mentioned, as aforeſaid; to the end the ſame monies and other ſatisfaction, may be anſwered and paid to the creditors ſeeking relief, as aforeſaid, proportionably, according to their ſeveral debts due and owing to them reſpectively, from the ſaid *John Thomas*, according to the order of dividend to be made by the ſaid commiſſioners in the ſaid commiſſion named, and

until ſuch monies ſhall be ſo diſpoſed and divided, ſhall and will (according to the direction and appointment of the creditors of the ſaid *John Thomas*) pay and depoſit the ſame in the hands of bankers, in *London*, as often as the ſame ſhall amount to the ſum of 100*l.* or upwards. And they the ſaid *John Simpſon* and *C. D.* for themſelves ſeverally and reſpectively, and for their ſeveral and reſpective heirs, executors, and adminiſtrators, do further covenant, promiſe, and agree to and with the commiſſioners parties hereto, and to and with every of them, and their executors and adminiſtrators, that they the ſaid *John Simpſon* and *C. D.* their and each of their executors, adminiſtrators, and aſſigns, ſhall and will, from time to time, and at all times hereafter, well and ſufficiently ſave, defend, keep harmleſs and indemnified, as well the ſaid commiſſioners, parties to theſe preſents, in and by the ſaid commiſſion named and authoriſed, or by any renewed commiſſion to be named or authoriſed, and their heirs, executors, and adminiſtrators, and every of them, as their and every their bodies, goods, chattels, lands, and tenements, their meſſengers, agents, and ſervants, who have been by them or any of them employed in or about the execution of the ſaid commiſſion, of, from, and againſt all and all manner of actions, ſuits, troubles, charges, damages, and expences whatever, that ſhall or may at any time or times hereafter ariſe, happen, or come unto them the ſaid commiſſioners, or any or either of them, or any of their meſſengers' agents, ſervants, heirs, executors, or adminiſtrators, for or by reaſon or means of this preſent deed or any

other act, matter, or thing by them, or either or any of them lawfully acted or done, by virtue of the ſaid recited commiſſion, or by their or any of their lawful intermeddling in the eſtate or effects of the ſaid *John Thomas*. And the ſaid *Thomas Hopkins*, for himſelf, his heirs, executors, and adminiſtrators, doth covenant and declare to and with the ſaid *John Simpſon* and *C. D.* their heirs and aſſigns by theſe preſents, that the ſaid *Thomas Hopkins* hath not at any time heretofore made, done, committed, or executed, or wittingly or willingly permitted or ſuffered any act, deed, matter, or thing whatſoever, whereby, wherewith, or by reaſon or means whereof the ſaid meſſuages or tenements, lands, hereditaments, and premiſes hereinbefore mentioned to be hereby granted and releaſed, or any part thereof, are, is, can, ſhall, or may be any ways incumbered or impeached in title, intereſt, charge, eſtate, or otherwiſe howſoever.

In witneſs, &c.

The ſtatute 13 *Eliz.* was formed with a view to the commiſſioners making a ſpecific aſſignment of the bankrupt's property amongſt the creditors, and not a conveyance to ſome for the purpoſe of its being converted into money and diſtributed, which from its convenience ſoon became the mode adopted in practice, though not conſonant to the intent and the proviſions of the ſtatute. The ſtatute 5 *Geo.* 2. the preſent leading act concerning bankrupts, ſanctions the practice, by directing the commiſſioners to convey to the aſſignees, but leaves the

mode of conveyance to reſt on the old ſtatute 13 *Eliz.* which not having the idea of chooſing aſſignees in view, is ill calculated to anſwer the purpoſe.

That act, by veſting all the bankrupt's property in the creditors to whom the commiſſioners aſſigned it, gives ſuch creditors power to ſue and to take all remedies for *choſes* in action, &c. in their own names, in the ſame manner as the bankrupt himſelf, but does not ſeem to give any power to the creditors to aſſign theſe *choſes* in action to others; and therefore a difficulty ariſes as to the mode of conveyance, where one aſſignee is removed. The 5th *Geo.* 2. takes notice of the ſingle caſe of removing aſſignees, and the appointing of new ones; in which caſe the aſſignment by the old aſſignees to the new, is certainly made effectual. But the caſe of executors of aſſignees aſſigning to new ones, or of one aſſignee only being removed, and a new one appointed ſeems to be left entirely to the operation of the ſtatute of *Eliz.* It ſeems difficult under this ſtatute to contrive any mode of aſſignment which would give to a new aſſignee the power of ſuing for a *choſe* in action, in his own name. The conſtant practice has been to make the old aſſignees join in a conveyance to the new appointed aſſignee and the remaining one, which ſeems liable to all the objections before ſtated, as well as that of a man's aſſigning to himſelf. This mode therefore could only have been adopted from the difficulty of pointing out any more eligible plan; and perhaps muſt ſtill be adhered to, unleſs the legiſlature ſhould interfere. The plan that ſeemed to be moſt reaſonable was,

was, to make the old aſſignees convey to a third perſon, in truſt to re-convey to the old, and new appointed aſſignee; but as this method is liable to all the objections before ſtated, I have forborne to inſert a precedent of that nature, thinking that that mode which has had the ſanction of practice is more likely to be eſtabliſhed, ſhould it ever become a litigated queſtion, though the objections are perhaps too ſtrong for the inclinations of a court to get over.

However, as theſe objections do not occur in the conveyance of real property, except as to ſuch contingent intereſts in the bankrupt, as can only be conveyed by the bankrupt ſtatutes, I have preferred the foregoing precedent. The ſtatute 13 *Eliz.* requires no particular mode of conveyance; but as it directs the conveyance to be enroled, it has been uſual in practice to convey by a bargain and ſale, and not by leaſe and releaſe, to ſave the expence of enroling a leaſe for a year; but as in the caſe of the appointing a new aſſignee, this would make two deeds neceſſary, becauſe an uſe cannot be limited by a bargain and ſale, I have drawn the conveyance by leaſe and releaſe, in which by conveying to the new aſſignee, to the uſe of himſelf and the remaining aſſignee, the eſtate will, by the operation of the ſtatute of uſes, be as effectually veſted in them, as if the conveyance had been made to a third perſon, in truſt to re-convey to them both.

Dividend.

PRevious to declaring a dividend three weeks notice muſt be given in the *London Gazette* of the time and place of the commiſſioners meeting for that purpoſe. For the form; ſee the title "Adver-"tiſements."

The ſolicitor muſt alſo before the dividend, get his bill taxed by one of the Maſters in Chancery, for which purpoſe he muſt carry it to the public office in *Symond's Inn*, and have it entered to be taxed, for which the fee is 1*s*. This bill muſt then be carried to the Maſter's office, and the following notice given to the aſſignees.

Meſſrs. *A.* & *B.* Take notice that I have left my bill of coſts under the commiſſion of bankruptcy againſt *T. F.* with Maſter and that I ſhall tax the ſame before him on at o'clock in the afternoon, at his chambers in *Symond's Inn*, dated

Yours, *&c.*

If the aſſignees do not attend the taxation, an oath muſt be made of the ſervice of the notice on them, before the Maſter will ſign his certificate.

Maſter's

Maſter's certificate of taxing the Solicitor's Bill of Fees and Diſburſements.

April, 1780. In the matter of *John Thomas*, a bankrupt.

Maſter's certificate of taxing bill.

I do hereby certify, that, purſuant to an act of parliament paſſed in the fifth year of the reign of his late majeſty king *George* the Second, intituled, 'An act, *&c.*' I have been attended by Mr. the clerk employed under the commiſſion awarded againſt the ſaid bankrupt, and by Mr. on behalf of the aſſignees under the ſaid commiſſion, and in their preſence I have conſidered of a bill of fees and diſburſements brought before me on account of ſeveral proceedings had under the ſaid commiſſion, amounting in the whole to the ſum of which I have thought fit to ſettle and adjuſt, at the ſum of

John Hett.

July 1780.

Exhibited to us under the commiſſion againſt *John Thomas*:

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

The Maſter is entitled to 20*s.* and the oath is 1*s.* 6*d.* both of which are to be charged, and allowed in the bill.

Order

Order of Dividend by Admiſſion.

At, &c.

Order of dividend by admiſſion.

Be it remembered, that we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed, in and by a commiſſion of bankrupt, awarded and iſſued, and now in proſecution, againſt *John Thomas*, of, &c. having met together the day and year, and at the place above mentioned, in order to make a dividend of the eſtate and effects of the ſaid bankrupt, purſuant to notice given in the *London Gazette* for that purpoſe, and it being admitted by *Thomas Hopkins* and *John Simpſon*, aſſignees of the eſtate and effects of the ſaid bankrupt, that they now have in their hands the ſum of and it appearing to us that the debts proved and claimed under the commiſſion, amount to the ſum of and that the ſaid ſum of is more than ſufficient to pay all the creditors of the ſaid bankrupt, who have already proved or claimed debts under the ſaid commiſſion, 14*s.* in the pound for every pound ſo proved or claimed. We do therefore, purſuant to the ſaid admiſſion, and at the deſire of the creditors, order and direct that the ſaid aſſignees do forthwith pay and divide unto and amongſt all and every the creditors of the ſaid bankrupt, who have proved their debts, and the claimants, when they ſhall have ſubſtantiated their claims by proof under the ſaid commiſſion, 14*s.* in the pound

pound in proportion to their ſeveral and reſpective debts.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

If the commiſſioners have reaſon to apprehend that the aſſignees are in poſſeſſion of effects ſufficient to make a dividend, they may ſummon the aſſignees to produce their accounts before them.

Notice from Commiſſioners to Aſſignees to attend to ſhew cauſe why they do not make a Dividend.

Notice to aſſignees to ſhew cauſe why they do not make a dividend.

You are hereby required to attend us whoſe names are hereunto ſubſcribed, or the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued and now in proſecution againſt *John Thomas*, of, &c. on the day of at the *Guildhall* of the city of *London*, to ſhew cauſe why notice has not been given by you for making a dividend of the eſtate and effects of the ſaid bankrupt, according to the act of parliament in that caſe made and provided, which if you fail of doing, a meeting will be forthwith appointed by us, whoſe names are hereunto ſubſcribed, or the major part of the ſaid commiſſioners in and by the above commiſſion named and authoriſed, for you to produce your receipts and payments touching the ſame, and to make a dividend of ſuch part of the ſaid eſtate and

and effects, as ſhall appear to be remaining in your hands. Dated this day of 1780.

To *Thomas Hopkins* and *John Simpſon*, aſſignees of the eſtate and effects of *John Thomas*, bankrupt.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

Order of dividend not by admiſſion.

Be it remembered, That we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued and now in proſecution againſt *John Thomas*, of, *&c.* having met together the day and year, and at the place above mentioned, in order to make a dividend of the eſtate and effects of the ſaid bankrupt, purſuant to notice given in the *London Gazette* for that purpoſe; and it appearing to us by the account of the ſaid the aſſignees of the ſaid bankrupt, this day exhibited to us upon oath, that the bankrupt's eſtate and effects got in and received by them, doth amount to the ſum of and it alſo appearing to us by the ſaid account, that the ſaid aſſignees have paid, laid out, and expended the ſum of which being deducted from the ſum of reduces the ſame to the ſum of which now remains in the hands of the ſaid aſſignees to be divided; and it appearing to us that the debts proved and claimed under the ſaid commiſſion, make together the ſum of . we do order and direct that the ſaid aſſignees

aſſignees do forthwith pay and divide, unto and amongſt all and every the creditors of the ſaid bankrupt, who have proved their debts, and the claimants, when they ſhall have ſubſtantiated their claims, 14 *s.* in the pound, in proportion to their ſeveral and reſpective debts.

Order for a further Dividend by Admiſſion.

At, *&c.*

Further dividend by admiſſion.

Be it remembered, That we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued and now in proſecution againſt *John Thomas*, of, *&c.* having met together the day and year, and at the place above mentioned, in order to make a further dividend of the eſtate and effects of the ſaid bankrupt, purſuant to notice given in the *London Gazette* for that purpoſe; and it appearing to us that by an order of dividend made the day of laſt, the aſſignees under the ſaid commiſſion admitted, that they then had ſufficient money in their hands to pay all the creditors of the ſaid bankrupt, who had proved or claimed debts under the ſaid commiſſion, the ſum of 14 *s.* in the pound, for every pound ſo proved or claimed; the ſaid commiſſioners did therefore, purſuant to the ſaid admiſſion, and at the deſire of the creditors, order and direct that the aſſignees ſhould pay and divide unto and amongſt all and every the creditors of the ſaid bankrupt, who had proved their debts, and unto the claimants, when

when they ſhould have ſubſtantiated their claims under the ſaid commiſſion, the ſum of 14*s.* in the pound, in proportion to their ſeveral and reſpective debts; and it being admitted by the ſaid aſſignees, that they have now the ſum of in their hands, which is ſufficient to pay *all the creditors not included in the former dividend, and who have at this ſitting proved their debts under the ſaid commiſſion, the like dividend of fourteen ſhillings in the pound, upon their ſeveral and reſpective debts, and alſo ſufficient to pay* all the creditors of the ſaid bankrupt, who have already proved or claimed debts under the ſaid commiſſion, the further ſum of 3*s.* in the pound, over and above the ſum of 14*s.* in the pound, already divided under the ſaid commiſſion, for every pound ſo proved or claimed, and will alſo leave the ſum of remaining in their hands. We do therefore, purſuant to the ſaid admiſſion, and at the deſire of the creditors, order and direct that the ſaid aſſignees do forthwith pay and divide, unto and amongſt *all the creditors not included in the former dividend, the ſum of fourteen ſhillings in the pound, and unto and amongſt* all and every the creditors of the ſaid bankrupt, who have proved their debts, and unto the claimants, when they ſhall have ſubſtantiated their claims under the ſaid commiſſion, a further dividend of 3*s.* in the pound, in proportion to their ſeveral and reſpective debts.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

The above printed in *Italicks* is to be inſerted *only* when creditors prove debts for whoſe dividends no re-

reſervation hath been made in former calculations, and when the aſſignees have ſufficient in their hands to pay ſuch ſubſequent creditors the former dividends without diſturbing the dividend already made.

Order for a further or final Dividend, not by Admiſſion.

At, &c.

Final dividend. Be it remembered, That we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued and now in proſecution againſt *John Thomas*, of, &c. having met together the day and year, and at the place above-mentioned, in order to make a further (final) dividend of the eſtate and effects of the ſaid bankrupt, purſuant to notice in the *London Gazette* for that purpoſe given; and it appearing to us, that by an order of dividend made the day of laſt, the aſſignees under the ſaid commiſſion admitted, that they then had ſufficient money in their hands to pay all the creditors of the ſaid bankrupt, who had proved or claimed debts under the ſaid commiſſion, the ſum of 14*s.* in the pound, for every pound ſo proved or claimed; the ſaid commiſſioners did therefore, purſuant to the ſaid admiſſion, and at the deſire of the creditors, order and direct, that the aſſignees ſhould pay and divide unto and amongſt all and every the creditors of the ſaid bankrupt who had proved their debts, and unto the claimants when they ſhould

have proved their claims under the ſaid commiſſion, the ſum of 14 *s.* in the pound, in proportion to their ſeveral and reſpective debts; and it alſo appearing to us, that by an order of dividend made

day of laſt, the aſſignees under the ſaid commiſſion admitted, that they then had ſufficient money in their hands to pay all the creditors of the ſaid bankrupt, who had proved or claimed debts under the ſaid commiſſion, the further ſum of 3 *s.* in the pound, over and above the ſum of 14 *s.* in the pound, already divided under the ſaid commiſſion, for every pound ſo proved or claimed; the ſaid commiſſioners did therefore, purſuant to the ſaid laſt admiſſion, and at the deſire of the creditors, order and direct, that the aſſignees ſhould pay and divide unto and amongſt all and every the creditors of the ſaid bankrupt, who had proved their debts, and unto the claimants, when they ſhould have ſubſtantiated their claims under the ſaid commiſſion, the further ſum of 3 *s.* in the pound, in proportion to their ſeveral and reſpective debts; and it alſo further appearing to us, by the accompt of *Thomas Hopkins*, one of the ſaid aſſignees, this day exhibited to us upon oath, (*John Simpſon*, the other aſſignee, not having received any part of the ſaid bankrupt's eſtate and effects, as alſo appears to us upon the oath of the ſaid *John Simpſon*), that the ſum total of the ſaid bankrupt's eſtate ſince got in and received by him, doth amount to the ſum of which being added to the ſum of make together the ſum of And it alſo appearing to us, by the accompt of the ſaid

Thomas Hopkins, and alſo by a certificate of *John Hett*, Eſq; one of the maſters of the high court of *Chancery*, bearing date the day of 17 of his having ſettled and taxed a bill of fees and diſburſements of *John Knight*, clerk to the ſaid commiſſion, at the ſum of and by another certificate of *H. M.* Eſq; another of the maſters of the ſaid court of *Chancery*, bearing date the day of 17 of his having ſettled and taxed another bill of fees and diſburſements of the ſaid *John Knight*, under the ſaid commiſſion, including the coſts of ſeveral actions at law to the ſum of that the ſaid *Thomas Hopkins* hath paid, laid out, and expended the ſum of which being deducted from the ſaid ſum of reduces the ſame to the ſum of which ſaid ſum now remains in the hands of the ſaid *Thomas Hopkins* to be divided. And it appearing to us that the debts proved under the ſaid commiſſion, including the debts that have been this day proved to the amount of do make together the ſum of Now we do order and direct, that the ſaid dividends of and ſhillings in the pound ſhall be paid to ſuch of the ſaid bankrupt's creditors who have this day proved their debts, which will amount to and after payment thereof there will remain in the hands of the ſaid *Thomas Hopkins*, the further ſum of to be divided among the creditors of the ſaid bankrupt. And we do order and direct, that, out of the

the monies ſo remaining in the hands of the ſaid *Thomas Hopkins*, as aforeſaid, a further (final) dividend of in the pound be paid to all the bankrupt's creditors who have already proved their debts and ſought relief under the ſaid commiſſion, in proportion to their ſeveral debts, which ſaid dividend of in the pound amounts to the ſum of as we compute the ſame, and after the payment thereof, there will remain in the hands of the ſaid *Thomas Hopkins* the ſum of and no more, ſubject to our further order, [or which he is to retain towards anſwering future charges, and making a further dividend.]

William Bumpſtead.
Henry Hunter.
Henry Ruſſel.

Order for a Dividend under a joint Commiſſion, wherein an Order had been obtained, for taking an Account of and dividing the Bankrupt's ſeparate Eſtate.

At, &c.

Whereas we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued and now in proſecution againſt *John Thomas* and *William Weſt*, of, &c. did meet the day and year and at the place aboveſaid, purſuant to notice in the *London Gazette*, in order

Dividend where diſtinct accounts of joint and ſeparate eſtate.

to make a dividend of the joint and ſeparate eſtate and effects of the ſaid bankrupts, and we have, in obedience to an order of the right hon. the Lord high Chancellor of *Great Britain*, taken an account of the joint and ſeparate eſtates and effects of the ſaid bankrupts, and it appears to us that the total of the joint debts proved and claimed under the ſaid commiſſion, amounts to the ſum of
and that the total of the ſeparate debts of the ſaid *W. Weſt*, ſo proved and claimed under the ſaid commiſſion, amounts to the ſum of
and that the total of the ſeparate debts of the ſaid *John Thomas*, ſo proved and claimed under the ſaid commiſſion, by virtue of the ſaid order, amounts to the ſum of and that the clear ſum in the hands of *John Partridge* and *Charles Dennis*, the aſſignees of the ſaid bankrupts joint eſtates and effects, amounts to the ſum of
and of the ſeparate eſtate of the ſaid *John Thomas*, to the ſum of and of the ſeparate eſtate of the ſaid *William Weſt* to the ſum of
We do therefore order, that the ſum of
part of the ſaid ſum of
be diſtributed and paid to the reſpective joint creditors of the ſaid bankrupts, who have already duly proved their debts under the ſaid commiſſion, in manner following, *viz.* at the rate of 6 *s.* 9 *d.* in the pound to *Thomas Hopkins*, in reſpect of a debt of proved by him this day, being the amount of the former and preſent dividend; and in reſpect of all his other debts, after the rate of 1 *s.* and 3 *d.* in the pound; ſo that the ſum of after payment of the ſaid creditors, will remain in the hands of the ſaid

ſaid aſſignees of the ſaid joint eſtate and effects. And we do further order that the ſum of part of the ſaid ſum of be diſtributed and paid to the reſpective ſeparate creditors of the ſaid *John Thomas*, who have duly proved their debts under the ſaid commiſſion, in purſuance of the ſaid order, after the rate of eleven ſhillings in the pound; ſo that the ſum of after payment of the ſaid dividend, will remain in the hands of the ſaid aſſignees of the ſeparate eſtate of the ſaid *John Thomas*. And we do further order, that the ſum of part of the ſaid ſum of be diſtributed and paid to the reſpective ſeparate creditors of the ſaid *William Weſt*, who have already duly proved their debts under the ſaid commiſſion in purſuance of the ſaid order, after the rate of three ſhillings in the pound; ſo that the ſum of after payment of the ſaid dividend, will remain in the hands of the ſaid aſſignees, of the ſeparate eſtate of the ſaid *William Weſt*.

William Bumpſtead.
Henry Hunter.
Henry Ruſſell.

If the aſſignees cannot perſonally attend the commiſſioners on the day by them appointed for making a dividend, they muſt make an affidavit to the following effect:

Aſſignees affidavit of the truth of their account, when they cannot attend.

Thomas Hopkins, of, &c. and *John Simpſon*, of, &c. aſſignees under a joint commiſſion of bankrupt awarded and iſſued and now in proſecution againſt *John Thomas* and *William Weſt*, of, &c. and copartners,

ners, make oath. And firſt this deponent *Thomas Hopkins* for himſelf ſaith, that the two ſheets of paper hereunto annexed, and reſpectively ſigned by him this deponent, do contain a full and true account of all his this deponent's receipts and payments, touching the eſtate and effects of the ſaid bankrupts, as well joint as ſeparate, under the ſaid commiſſion; and this deponent further ſaith, that the ſeveral ſums therein charged, to have been allowed, paid and expended, have been really and *bonâ fide* allowed, paid and expended, in manner and for the purpoſes therein mentioned. And this deponent *Thomas Hopkins* for himſelf ſaith, that the paper writing hereunto alſo annexed, and ſigned by him this deponent, doth contain a full and true account of all his this deponent's receipts and payments, touching the eſtate and effects of the ſaid bankrupts, as well joint as ſeparate, under the ſaid commiſſion. And this deponent further ſaith, that the ſeveral ſums therein charged, to have been allowed, paid and expended, have been really and *bonâ fide* allowed, paid and expended in manner and for the purpoſes therein mentioned.

Sworn, &c. *Thomas Hopkins,*
John Simpſon.

The dividend being declared by the commiſſioners, it will ſave the aſſignees a great deal of trouble in the payment of it, if the ſolicitor computes the dividends which * computation may be intituled,

* The expence of computing the dividends by the ſolicitor, and preparing and copying the above liſt, will be allowed in the aſſignees accounts.

A liſt

A list of the debts proved under the commission of bankrupt against *John Thomas*, of, &c. with the amount of each creditor's dividend, on the sum of being the sum ordered to be divided amongst the said creditors after the rate of shillings in the pound.

Names of the creditors. Debts proved. Dividends.

It is usual for the assignees to give notice of the time and place they intend to pay the dividend; if by the assignees, the solicitor signs an authority for that purpose, to the following effect, viz.

Gentlemen,

Please to pay *Mary Combes* the sum of being her dividend of shillings in the pound on her debt of proved under the commission of bankrupt against *Francis Gibbons*, of, &c.

Yours, &c.

John Knight.

To Messrs. *Partridge* and *Dennis*, said bankrupt's assignees.

14 *July*, 1780.

The assignees, upon receiving this authority, pay the creditor, and take a receipt in a book to the following purport, viz.

Received this day of *July*, 1780, of Messrs. *Partridge* and *Dennis*, assignees of the estate

eſtate and effects of *Francis Gibbons*, of, &c. bankrupt, the ſum of being a dividend of ſhillings in the pound, on my debt of proved under the ſaid commiſſion.

Mary Combes.

Memorandum of the Adjournment of a Dividend.

At *Guildhall, London, March 2d*, 1772.

Memorandum of Adjournment of Dividend.

Be it remembered, that this being the day and place appointed in the *London Gazette* for the making a dividend of the eſtate and effects of *C. W.* and *J. S.* bankrupts, we the major part of the commiſſioners named and authoriſed in and by the commiſſion of bankrupt awarded and iſſued againſt the ſaid *C. W.* and *J. S.* met accordingly, and received proofs of debts, and at the requeſt of the aſſignees and creditors preſent, the ſaid dividend is adjourned to the 23*d* day of *April* next, at o'clock in the forenoon,

C. R.
J. D.
J. M.

Another Form of Memorandum of Adjournment of Dividend.

At, &c.

Memorandum, that we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners

ers named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt *A. B.* of, &c. met the day and year and at the place above mentioned, purſuant to notice in the *London Gazette*, in order to make a dividend of the ſaid bankrupt's eſtate and effects; but

the aſſignees of the ſaid bankrupt, not being prepared with the neceſſary vouchers to authenticate their accounts, we do adjourn until day of at o'clock in the forenoon, at this place, to make a dividend of the ſaid bankrupt's eſtate and effects.

J. N.
W. C.
R. R.

Claims.

In regard to ſtriking out claims, there has been ſome doubt entertained whether they ought not to be ſtruck out upon the firſt dividend, unleſs the creditor making the claim lays a reaſonable ground before the commiſſioners for their permitting it to continue, and this ſeems in ſtrictneſs to be the proper method, although in practice it has been uſual to ſuffer them to remain until the final dividend, when they are ſtruck out as a matter of courſe, if the creditor does not attend and ſubſtantiate them.

Of

Of the Certificate.

Form of a Bankrupt's Certificate.

To the Right Honourable the Lord High Chancellor of *Great Britain.*

Certificate. We whoſe names and ſeals are hereunto ſubſcribed and ſet, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt *John Thomas*, of, &c. (as deſcribed in the commiſſion) bearing date at *Weſtminſter*, the 8th day of, &c. directed to *William Bumſtead*, *Henry Hunter*, *Henry Ruſſell*, and *Henry Cowper*, Eſqrs. and *Richard Hargrave*, Gent. do humbly certify to your lordſhip, that the major part of the commiſſioners by the ſaid commiſſion authoriſed having begun to put the ſaid commiſſion into execution, did find that the ſaid *John Thomas* became a bankrupt, ſince *the 14th day of May*, 1729, and before the date and ſuing forth of the ſaid commiſſion, within the true intent and meaning of the ſtatutes made and now in force concerning bankrupts or ſome of them, and did thereupon declare and adjudge him bankrupt accordingly. And we further humbly certify to your lordſhip, that the ſaid *John Thomas* being ſo declared a bankrupt, the major part of the commiſſioners by the ſaid commiſſion authoriſed, purſuant to the directions of the act of parliament made in the fifth year of the reign of his late majeſty king *George* II. intituled, "An "act to prevent the committing of frauds by bank-

"rupts,"

"rupts," did cauſe due notice to be given and publiſhed in the *London Gazette* of ſuch commiſſion being iſſued, and of the times and place of three ſeveral meetings of the ſaid commiſſioners within 42 days next after ſuch notice (the laſt of which meetings was appointed to be *on the forty-ſecond day*) at which time the ſaid *John Thomas* was required to ſurrender himſelf to the ſaid commiſſioners named in the ſaid commiſſion, or the major part of them, and to make a full diſcloſure and diſcovery of his eſtate and effects, and the creditors of the ſaid *John Thomas* were deſired to come prepared to prove their debts, and to aſſent to or diſſent from the making this certificate. And we further humbly certify to your Lordſhip that ſuch three ſeveral meetings of the major part of the commiſſioners by the ſaid commiſſion authoriſed, were had purſuant to ſuch notice ſo given and publiſhed, and that at one of thoſe meetings the ſaid *John Thomas* did ſurrender himſelf to the major part of the ſaid commiſſioners by the ſaid commiſſion authoriſed, and did ſign and ſubſcribe ſuch ſurrender, and did ſubmit to be examined from time to time upon oath by and before the major part of the ſaid commiſſioners by the ſaid commiſſion authoriſed, and in all things to conform to the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly to the ſaid act made in the fifth year of his late majeſty's reign. And we further humbly certify to your lordſhip, that at the laſt of the ſaid three meetings the ſaid *John Thomas* finiſhed his examination before the major part of the ſaid commiſſioners by the ſaid commiſſion authoriſed, according to the directions of

the

the ſaid laſt mentioned act, and upon ſuch his examination made a full diſcloſure and diſcovery of his eſtate and effects, and in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly according to the directions of the ſaid ſtatute made in the fifth year of his late Majeſty's reign; and there doth not appear to us any reaſon to doubt of the truth of ſuch diſcovery, or that the ſame is not a full diſcovery of all the eſtate and effects of the ſaid *John Thomas*. And we further humbly certify to your Lordſhip that the creditors whoſe names *or marks* are ſubſcribed to this certificate, are full four parts in five in number and value of the creditors of the above named *John Thomas*, who are creditors for not leſs than 20*l.* reſpectively, and who have duly proved their debts under the ſaid commiſſion; and that it doth appear to us, by due proof by affidavit in writing, that ſuch ſeveral ſubſcribing creditors, or ſome perſon by them reſpectively duely authoriſed thereunto, did, before our ſigning hereof, ſign his certificate, and teſtify their conſent to our ſigning the ſame, and to the ſaid *John Thomas* having ſuch allowance and benefit as by the ſaid laſt mentioned act are allowed to bankrupts, and to the ſaid *John Thomas* being diſcharged from his debts, in purſuance of the ſame act. In witneſs whereof we have hereunto ſet our hands and ſeals, this day of in the year of the reign of, &c. and in the year of our Lord, 1784.

We the creditors of the above-named *John Thomas*, whoſe names, *or marks*, are here

William Bumpſtead.
Henry Hunter.
Henry Ruſſel.

here under ſubſcribed, do hereby teſtify and declare our conſent that the major part of the commiſſioners, by the above mentioned commiſſion authoriſed, may ſign and ſeal the certificate above written; and that the ſaid *John Thomas* may have ſuch allowance and benefit as are given to bankrupts by the act of parliament made in the fifth year of the reign of his late majeſty king *George* the ſecond, intituled, "An act to prevent "the committing of frauds "by bankrupts," and be diſcharged from his debts in purſuance of the ſame act.

A. B.

(The creditors names)

C. D.

The meſſengers have printed forms of certificates, therefore the beſt way is to get a blank from them.

Certificate where the Bankrupt ſurrenders under order for time.

Certificate where bankrupt ſurrenders under order for time.

As in laſt to "*to be on the forty-ſecond day*" inclusive, then continue thus: (But by your lordſhip's

ſhip's order, bearing date the day of laſt, the time for the ſaid bankrupt's ſurrendering and finiſhing his examination was enlarged for forty-nine days) at which meeting the ſaid *John Thomas* was required to ſurrender himſelf to the commiſſioners in the ſaid commiſſion named, or to the major part of them, and to make a full diſcloſure and diſcovery of his eſtate and effects; and the creditors of the ſaid *John Thomas* were deſired to come prepared to prove their debts, and to aſſent to or diſſent from our making this certificate. And we further humbly certify to your lordſhip, that ſuch ſeveral meetings of the major part of the commiſſioners, by the ſaid commiſſion authoriſed, were had, purſuant to ſuch notice, and the order of your lordſhip; and that the ſaid *John Thomas*, on the day of laſt, (being the forty-ninth day of the enlarged time, under your lordſhip's order as aforeſaid) did ſurrender, &c.—and ſo go on, and conclude from the form of the other certificate, ſet out above.

C D.

Form of a Certificate where only one Creditor above 20 l. *had proved under the Commiſſion.*

To the Right Honourable *Edward* Lord *Thurlow*, Baron *Thurlow*, of *Aſhfield*, in the County of *Suffolk*, Lord High Chancellor of *Great Britain*.

We whoſe names and ſeals are hereunto ſubſcribed

ſcribed and ſet, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt *Thomas Carter* of *Brown's Buildings*, *Saint Mary Axe*, *London*, merchant, bearing date at *Weſtminſter*, the third day of *May*, in the twenty-eighth year of the reign of his preſent majeſty, directed to *Charles Robinſon*, *John Nares*, *Sylveſter Douglas*, *William Cooke*, Eſquires, and *Iſaac Bargrave*, Gentleman, do humbly certify to your lordſhip, that the major part of the commiſſioners by the ſaid commiſſion authoriſed, having begun to put the ſaid commiſſion into execution, did find that the ſaid *Thomas Carter* became a bankrupt ſince the 14*th* day of *May* 1729, and before the date and ſuing forth of the ſaid commiſſion, within the true intent and meaning of the ſeveral ſtatutes made, and now in force concerning bankrupts, or ſome of them, and did thereupon declare him bankrupt accordingly. And we further humbly certify to your Lordſhip, that the ſaid *Thomas Carter*, being ſo declared bankrupt, the major part of the commiſſioners by the ſaid commiſſion named and authoriſed purſuant to the act of parliament, made in the fifth year of the reign of his late majeſty, intituled, "An act to prevent "the committing of frauds by bankrupts," did cauſe due notice to be given and publiſhed in the *London Gazette* of ſuch commiſſion being iſſued, and of the times and places of three ſeveral meetings under the ſaid commiſſion, the laſt of which was appointed to be had on the forty-ſecond day, at which the ſaid *Thomas Carter* was required to ſurrender himſelf to the ſaid commiſſioners, in the ſaid commiſſion

Certificate where only one creditor had proved.

named, or the major part of them, and to make a full diſcloſure and diſcovery of his eſtate and effects; and the creditors of the ſaid *Thomas Carter* were deſired to come prepared to prove their debts, and to aſſent to, or diſſent from the making this certificate. And we further humbly certify to your lordſhip, that ſuch three ſeveral meetings of the major part of the commiſſioners by the ſaid commiſſion authoriſed, were had purſuant ſo ſuch notice ſo given and publiſhed; and at one of thoſe meetings the ſaid *Thomas Carter* did ſurrender himſelf to the major part of the commiſſioners, by the ſaid commiſſion authoriſed, and did ſign and ſubſcribe ſuch ſurrender, and did ſubmit to be examined from time to time upon oath, by and before the major part of the commiſſioners, by the ſaid commiſſion authoriſed, and in all things to conform to the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly to the ſaid act made in the fifth year of his ſaid late majeſty's reign. And we further humbly certify to your lordſhip, that at the laſt of the ſaid three meetings the ſaid *Thomas Carter* finiſhed his examination before the major part of the ſaid commiſſioners by the ſaid commiſſion authoriſed, according to the directions of the ſaid laſt mentioned act, and upon ſuch his examination made a full diſcovery of his eſtate and effects, and in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly, according to the directions of the ſaid act made in the fifth year of his ſaid late majeſty's reign, and there doth not appear to us any reaſon to doubt of the truth of ſuch

diſcovery, or that the ſame is not a full diſcovery of all the eſtate and effects of the ſaid *Thomas Carter*. And we further humbly certify, That the creditor whoſe name is ſubſcribed to this certificate is the only creditor of the above named *Thomas Carter*, whoſe debt amounts to not leſs than the ſum of twenty pounds, and who had duly proved his debt under the ſaid commiſſion, and that it doth appear to us by due proof, by affidavit in writing, that ſuch ſubſcribing creditor did before our ſigning thereof ſign this certificate, and teſtify his conſent to our ſigning the ſame, and to the ſaid *Thomas Carter*'s having ſuch allowance and benefit as by the ſaid laſt mentioned act are allowed to bankrupts, and to the ſaid *Thomas Carter*'s diſcharge in purſuance of the ſaid laſt mentioned act. In witneſs whereof, we the major part of the commiſſioners, in the ſaid commiſſion named, have hereunto ſet our hands and ſeals, this

day of in the year of our Lord 1788.

I the above-named *William Bailes*, whoſe name is hereunto ſubſcribed, do hereby teſtify and declare my conſent, that the major part of the ſaid commiſſioners, by the above mentioned commiſſion authoriſed, may ſign and ſeal this certificate above-written; and that the ſaid *Thomas Carter* may have ſuch allowance and benefit as are given to bankrupts by the act of parliament laſt mentioned, and the ſaid *Thomas Carter*'s diſcharge in purſuance of this ſaid act.

Supplemental Certificate where the former has been ſent back, upon Petition, for the Commiſſioners to re-certify.

Note. This certificate is written at the bottom of the other without a freſh ſtamp.

Certificate where the commiſſioners are ordered to re-certify.

We whoſe hands and ſeals are hereunto alſo ſubſcribed, being the major part of the commiſſioners in the above certificate named, do, by way of ſupplement to the above certificate, further humbly certify to your lordſhip, That it appears to us at the time the above certificate lay before your lordſhip for confirmation, *M. R.* preferred his petition to your lordſhip, in the matter of the ſaid bankruptcy, praying, amongſt other things, to be permitted to prove his debt under the ſaid commiſſion, and that he might be at liberty to aſſent to, or diſſent from the allowance of the ſaid certificate, and your lordſhip was pleaſed to order that the ſaid petitioner might be at liberty to prove his ſaid debt under the ſaid commiſſion, and alſo, that the petitioner ſhould be at liberty to aſſent to, or diſſent from the allowance of the ſaid certificate; and for that purpoſe, that the ſaid certificate ſhould be referred back to us, the major part of the ſaid commiſſioners, that we might review the ſame. Now we do hereby humbly certify to your lordſhip, that we have in obedience to your lordſhip's ſaid order, taken the proof of the ſaid petitioner's ſaid debts, and that we have

alſo

alſo taken the proof of ſeveral other creditors debts under the ſaid commiſſion; and that we have likewiſe reviewed the above certificate, and that the creditors whoſe names or marks are ſubſcribed to this ſupplemental certificate, together with the other creditors who have before ſubſcribed their names to the above certificate, are full four parts in five, in number and value of the creditors of the above named *S. B.* who are creditors for not leſs than 20*l.* reſpectively, and who have duly proved their debts under the ſaid commiſſion; and that it doth appear to us, by due proof by affidavits in writing, that ſuch ſeveral ſubſcribing creditors, or ſome perſon by them reſpectively authoriſed thereunto, did, before ſigning and ſealing hereof, ſign the above, and this ſupplemental certificate, and teſtify their conſent to our ſigning and ſealing the ſame; and to the ſaid *S. B.* having ſuch allowance and benefit as by the act of parliament in the above certificate laſt mentioned are allowed to bankrupts, and to his having his diſcharge in purſuance of the ſaid act. In witneſs, &c.

We the creditors of the above named *S. B.* whoſe names or marks are hereunto ſubſcribed do, &c.

Affidavit of ſeeing Creditors ſign a Bankrupt's Certificate.

In the matter of
John Thomas, a
bankrupt.

Affidavit of ſeeing creditors ſign a certificate.

John Knight of, *&c.* Gentleman, maketh oath, that he this deponent was preſent and did ſee *T. C.* for himſelf and *C. R. C. D.* &c. (put in all the creditors you ſaw ſign) ten of the creditors of the ſaid bankrupt, ſeverally ſubſcribe their names at the foot of a certain inſtrument in writing, purporting to be a certificate under the hands and ſeals of the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued againſt the ſaid *John Thomas*, that the ſaid *John Thomas* the bankrupt had in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, whereby they teſtify and declare their conſent to the ſaid commiſſioners ſigning the ſaid certificate, and that the ſaid bankrupt may have ſuch allowance and benefit as are given to bankrupts by an act of parliament made and paſſed in the fifth year of the reign of his late majeſty king *George* the ſecond, intituled, "An "act to prevent the committing of frauds by bank-"rupts," and be diſcharged from his debts in purſuance of the ſame act.

John Knight. Sworn at the Public Office, the
day of before me
P. H.

If any perſon ſign the bankrupt's certificate by virtue of a letter of attorney, ſuch letter of attorney muſt be left at the bankrupts office.

Affidavit

Affidavit to be made by the Bankrupt that his Certificate was fairly obtained.

Bankrupt's affidavit that his Certificate was fairly obtained.

John Thomas, of, &c. againſt whom a commiſſion of bankrupt hath been awarded and iſſued, maketh oath, that the certificate, bearing date, &c. under the hands and ſeals of, &c. (the commiſſioners) three of the commiſſioners in the ſaid commiſſion named, whereby they have certified to the right honourable the lord chancellor of *Great Britain*, that he this deponent hath in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly according to the directions of the act of parliament made and paſſed in the fifth year of the reign of his late majeſty king *George* the ſecond, intituled, "An act to prevent the com-"mitting of frauds by bankrupts;" and the conſent of all this deponent's creditors, who have ſigned their names at the foot of the ſaid certificate, that the ſaid commiſſioners might ſign the ſame, and that this deponent might have ſuch allowance and benefit as are given to bankrupts by the ſaid act, and be diſcharged from his debts in purſuance of *the ſame act*, were obtained fairly and without fraud.

At the *Rolls Coffee-Houſe* in *Chancery-Lane*, 25th day of *March*, 1760.

Memorandum of Commiſſioners having ſigned Certificate.

Memorandum. We the major part of the commiſſioners named and authoriſed in and by a commiſ-

ſion of bankrupt awarded and iſſued againſt *John Thomas*, of, &c. met at the time and place above mentioned, and examined the proceedings under the ſaid commiſſion; and finding thereby, and by affidavit exhibited before us, that full four parts in five in number and value of all the creditors who have proved their debts under the ſaid commiſſion, amounting reſpectively to 20*l.* and upwards, have ſigned their conſent that the commiſſioners ſhould execute a certificate to the right honourable the lord chancellor of *Great Britain*, for the ſaid bankrupt's diſcharge, according to the late act of parliament for that purpoſe, we the ſaid commiſſioners accordingly executed ſuch certificate.

William Bumpſtead,
Henry Hunter,
Henry Ruſſel.

The certificate, together with the affidavit of ſeeing the creditors ſign it, and alſo letters of attorney, (if any ſuch there be) muſt be lodged with the ſecretary of bankrupts, who will thereupon give the meſſenger an authority to the printer of the Gazette, to inſert an advertiſement therein, ſignifying that the acting commiſſioners have certified to the great ſeal, that the bankrupt hath conformed, and that the certificate will be allowed and confirmed, unleſs cauſe ſhewn to the contrary, within twenty-one days from the date of the ſaid advertiſement.

If no cauſe is ſhewn within the twenty-one days againſt the allowance of the certificate, the lord chancellor

chancellor will allow the ſame, by the following ſubſcription on the ſaid certificate:

day of 1784.

Whereas the uſual notice hath been given in the *London Gazette*, of the day of laſt, and none of the creditors of the above-named *John Thomas* have ſhewn any cauſe to the contrary; I do allow and confirm this certificate.

Thurlow, C.

Certificate of Commiſſioners of Bankrupt, in purſuance of an Order made by Lord Chancellor Apſley, *14th Feb.* 1774.

To the Right Honourable *Edward* Lord *Thurlow*, Lord High Chancellor of *Great Britain.*

We, *as in the other certificate*, do "certify to your "lordſhip," *then, inſtead of continuing in the words of that certificate, go on thus:* in purſuance of an order of the high court of Chancery, bearing date on or about the 14th day of *February*, which was in the year of our Lord 1774, humbly certify to your lordſhip, that the ſaid *Francis Gibbons* was, at the time of his bankruptcy, in partnerſhip with *James Atwood*, in the trade or buſineſs of a ſhoemaker, and that the ſaid partnerſhip is ſtill ſubſiſting; OR, that the ſame was finally diſſolved by mutual conſent on the day of now laſt paſt; OR, by the articles of agreement thereof expiring at that time.

time. And we further humbly certify to your lordſhip, that a ſeparate commiſſion of bankrupt was awarded and iſſued before the iſſuing of the preſent commiſſion, and is now depending and in proſecution againſt the ſaid *Francis Gibbons*. And we further humbly certify to your lordſhip, that the ſaid *Francis Gibbons*, on or about the day of obtained his certificate duly allowed and confirmed under the ſaid ſeparate commiſſion; OR, that the ſaid *Francis Gibbons* was duly diſcharged as an inſolvent debtor under the ſtatute of the year of the reign of his preſent Majeſty, intituled, "An act for the relief of inſolvent debtors," in purſuance and according to the directions of the ſaid act.

In witneſs, &c.

After the time mentioned in the notice, in the Gazette, is expired (which is three weeks) the certificate will be delivered out of the bankrupt's office to the bankrupt's ſolicitor, provided no petition has been lodged againſt it; but if a petition is preſented any time before the certificate has received the Chancellor's fiat, the allowance of it will be ſuſpended till ſuch petition has been heard.

Bill of Coſts of a Certificate.

	l.	s.	d.
Drawing and engroſſing certificate, parchment, and duty — —	1	0	0
Attending on the creditors to get the ſame ſigned — — — —	0	13	4
Carried over -	1	13	4

Affidavit

	l.	s.	d.
Brought over -	1	13	4
Affidavit of ſeeing creditors ſign —	0	5	7
Meſſenger ſummoning commiſſioners to ſign certificate, and attending them	0	6	8
Paid for room — —	0	3	0
Drawing out a liſt of debts proved —	0	2	0
Paid commiſſioners — —	3	0	0
Solicitor's fee — —	1	0	0
Drawing, engroſſing affidavit that certificate was fairly obtained — —	0	5	7
Attending to lodge certificate at the bankrupts office — —	0	6	8
Paid at the ſecretary of bankrupts office	1	12	6
The clerk — — —	0	5	0
Advertiſement in the Gazette —	0	13	6
	9	13	10

N. B. The fees at the bankrupts office muſt be paid when the certificate is lodged.

Certificated bankrupt to be diſcharged out of cuſtody.

If the bankrupt ſhould be a priſoner at the time of obtaining his certificate, or ſhould be afterwards arreſted for any debt contracted before the act of bankruptcy, he muſt apply to a judge of the court in which the action is brought, for a ſummons to the plaiutiff, to ſhew cauſe why he ſhould not be diſcharged. And the judge, upon the bankrupt ſwearing that the cauſe of action accrued before the act of bankruptcy, and producing his certificate, will, unleſs his affidavit is contradicted, order him to be diſcharged.

Of

Of ſummoning the Bankrupt and others.

Summons for the Bankrupt to ſurrender.

Summons for the bankrupt to ſurrender.

Whereas a commiſſion of bankrupt on the day of now laſt paſt, iſſued under the great ſeal of *Great Britain*, againſt you *John Wilſon*, by the name and deſcription of *John Wilſon*, of, &c. And whereas the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, have declared you to be bankrupt; We the ſaid commiſſioners do hereby ſummon and require you the ſaid *John Wilſon* perſonally to be and appear before the commiſſioners in the ſaid commiſſion named, or the major part of them, on the day of inſtant, at eleven in the morning, and on the and days of next, at eleven in the morning, at *Guildhall*, *London*, then and there to be examined, and to make a full and true diſcovery and diſcloſure of all your eſtate and effects, according to the directions of the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly the ſtatute paſſed in the fifth year of the reign of his late majeſty king *George* the ſecond, intituled, "An "act to prevent the committing of frauds by bank-"rupts;" and herein you are not to fail at your peril.

peril. Given under our hands, this
day of 1784.

William Bumpſtead.
Henry Hunter.
Henry Ruſſel.

To *John Wilſon*,
the Bankrupt.

It is uſual for the bankrupt to ſurrender himſelf at the firſt meeting, for the ſake of being protected.

Commiſſioners Warrant to the Keeper of the King's Bench Priſon, to bring the Bankrupt before them to be examined.

Warrant to gaoler to bring the bankrupt before commiſſioners.

Whereas a commiſſion of bankrupt hath been awarded and iſſued againſt *John Thomas*, of, &c. directed to us whoſe names are hereunto ſubſcribed, and to the other commiſſioners in the ſaid commiſſion named; and he being declared bankrupt, and the 1ſt day of *June* inſtant being one of the days appointed in the *London Gazette* for the ſaid *John Thomas* to ſurrender himſelf to the ſaid commiſſioners; and we being informed that the ſaid *John Thomas* is in your cuſtody upon *meſne* proceſs, and not in execution; Theſe are therefore to deſire you to bring the body of the ſaid *John Thomas* before us at *Guildhall*, in the city of *London*, on *Monday* next, being the firſt day of *June* inſtant, at eleven o'clock in the forenoon, in order to be examined by us purſuant to the act or acts of parliament made and now in force concerning bankrupts; and this

ſhall

ſhall be your ſufficient warrant. Given under our hands, this 27th day of *May* 1785.

William Bumpſtead.
Henry Hunter.
Henry Ruſſel.

To *Benjamin Thomas*, Eſq. Marſhal of the King's Bench Priſon, or to his Deputy there.

If the bankrupt is in the Fleet Priſon, the warrant muſt be directed "To *John Eyles*, Eſq. Warden of his Majeſty's Priſon of the Fleet, or to his Deputy there." If in Newgate, "To the Sheriff of *Middleſex*, or to *Richard Akerman*, Keeper of his Majeſty's Priſon of Newgate, or to his Deputy there." If in either of the Compters, "To the Sheriff of *London*, and to Keeper of the Poultry, or Wood-ſtreet Compter, or to his Deputy there."

N. B. The officer is paid 10*s.* 6*d.*

Summons for perſons to be examined before the Commiſſioners.

Summons for witneſs.

By virtue of the King's Majeſty's commiſſion under the Great Seal of *Great Britain*, grounded upon the ſeveral ſtatutes made concerning bankrupts, awarded againſt

directed to us, the major part of the commiſſioners therein named, who have hereunto ſet our names, and to others; theſe are to will and require you, and every of you, to whom this our warrant is directed, perſonally to be and

and appear before us, the major part of the ſaid commiſſioners, on then and there to be examined by us, the major part of the ſaid commiſſioners, by virtue of the ſaid commiſſion, and the ſeveral ſtatutes therein mentioned: And hereof you are not to fail at your peril. Given under our hands, this day of

W. B.
H. H.
H. R.

To, &c.

An examined copy of the above ſummons muſt be perſonally delivered to the witneſſes reſpectively by the meſſenger.

Depoſition of the due Service of the Summons.

Affidavit of ſervice.

David Caddell, of, &c. one of the meſſengers to the commiſſioners of bankrupt, being ſworn, &c. upon his oath, ſaith, that he this examinant did, on the 10th day of this inſtant *June*, ſerve *Edward Holt* with the ſummons hereunto annexed, by leaving with *Jane Chapman*, at the dwelling houſe of the ſaid *Edward Holt*, a true and examined copy of the ſaid ſummons, and at the ſame time ſhewing her the original ſummons, ſubſcribed with the reſpective hand-writings of the major part of the commiſſioners, in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution, againſt *John Thomas*, late of, &c. And this examinant further ſaith, that the

the ſaid *J. C.* is ſervant to the ſaid *E. H.* as ſhe informed this examinant, and which information he believes to be true. And this examinant further ſaith, that he hath ſince ſeen the ſaid *J. C.* who aſſured him, that ſhe had delivered the ſaid copy to the ſaid *E. H.* which laſt information this examinant alſo believes to be true; and this examinant further ſaith, that the above-mentioned ſubſcription was written by the ſaid commiſſioners in the preſence of this examinant.

D. C.

Commitments.

Commitment of the Bankrupt for not anſwering Queſtions on his laſt Examination to the Satisfaction of the Commiſſioners.

At, *&c.*

Commitment of bankrupt on his laſt examination.

Whereas his majeſty's commiſſion under the Great Seal of *Great Britain*, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, or ſome or one of them, bearing date at *Weſtminſter*, the in the year of his preſent majeſty's reign, is awarded and iſſued againſt of merchant, dealer, and chapman, directed to

or

or any four or three of them. And whereas the ſaid commiſſioners in the ſaid commiſſion named, or the major part of them, having firſt reſpectively taken the oath appointed by an act of parliament paſſed in the 5th year of the reign of his late majeſty king *George* the 2d, intituled, "An act to prevent the committing of frauds by bankrupts," for commiſſioners of bankrupts to take before they act as commiſſioners in the execution of the powers or authorities given and granted by the ſaid act or acts of parliament now in force concerning bankrupts, and having begun to put the ſaid commiſſion into execution, upon due examination of witneſſes, and other good proofs upon oath before them had and taken, did find that the ſaid
before the date and ſuing forth of the ſaid commiſſion, did become bankrupt, within the true intent and meaning of ſome or one of the ſtatutes made, and now in force concerning bankrupts; and did adjudge and declare the ſaid
a bankrupt accordingly. And whereas the major part of the ſaid commiſſioners did cauſe notice to be given in the *London Gazette* of the
laſt paſt, that the ſaid was thereby required to ſurrender himſelf to the ſaid commiſſioners in the ſaid commiſſion named, or the major part of them, on the 26th day of *January*, and on the 4th day of *February* laſt paſt, and on this 4th day of *March*, at of the clock in the forenoon on each of the ſaid days, at *Guildhall*, *London*, and make a full diſcloſure and diſcovery of his eſtate and effects. And whereas the ſaid did, on the ſaid 26th day

of *January* laſt, ſurrender himſelf to the major part of the commiſſioners in the ſaid commiſſion named and authoriſed, but being ſworn and examined, ſaid, that he was not then prepared to make a full diſcloſure and diſcovery of his eſtate and effects, but prayed time for the doing thereof, which was granted to him until the then next meeting. And whereas the ſaid did, on the 4th day of *February*, being the then next meeting, again ſurrender himſelf to the major part of the commiſſioners in the ſaid commiſſion named and authoriſed, and being again ſworn and examined, ſaid, that he was not then prepared to make a full diſcloſure and diſcovery of his eſtate and effects, but prayed further time for the doing thereof, which was granted to him until this 4th day of *March*. And whereas the ſaid did on this 4th day of *March*, again ſurrender himſelf to us the major part of the ſaid commiſſioners in the ſaid commiſſion named and authoriſed in order to finiſh his examination, and to make a full diſcloſure and diſcovery of his eſtate and effects, and being then and there duly ſworn and required by us to make ſuch diſcloſure and diſcovery; and we the ſaid commiſſioners having, before we proceeded to act under and by virtue of the ſaid commiſſion, taken the oath appointed by an act of parliament, paſſed in the 5th year of the reign of his late majeſty king *George* the 2d for commiſſioners of bankrupts to take before they act as commiſſioners in the execution of the power or authorities given and granted by the ſaid act or acts of parliament now in force concerning bankrupts, did

cauſe

cauſe the following queſtion to be propounded to him the ſaid that is to ſay:

To which queſtion ſo put by us as aforeſaid, the ſaid refuſed to give any anſwer (or any other than the following anſwer, that is to ſay: which anſwer of the ſaid not being ſatisfactory to us the ſaid commiſſioners): Theſe are therefore to will, require, and authoriſe you, immediately upon receipt hereof, to take into your cuſtody the body of the ſaid and him ſafely to convey to his majeſty's priſon of *Newgate*, and him there to deliver to the keeper of the ſaid priſon, who is hereby required and authoriſed, by virtue of the commiſſion and ſtatutes aforeſaid, to receive the ſaid into his cuſtody, and him ſafely to keep and detain without bail or mainprize, until ſuch time as he ſhall ſubmit himſelf to us the ſaid commiſſioners, or the major part of the commiſſioners by the ſaid commiſſion named and authoriſed, and full anſwer make to our or their ſatisfaction to the queſtions ſo put to him by us as aforeſaid. And for ſo doing this ſhall be your ſufficient warrant. Given under our hands and ſeals, at the *Guildhall* of the city of *London*, this 4th day of *March*, in the year of our Lord 1788.

W. B. (L. S.)
H. H. (L. S.)
H. R. (L. S.)

To *David Caddell*, our meſſenger, or his aſſiſtant, and to *Richard*

Akerman, Keeper of his majeſty's priſon of *Newgate*, or to his Deputy there.

If the bankrupt is to be committed to the Fleet, the warrant is directed to the Keeper or Warden of his majeſty's priſon of the Fleet, in the city of *London*, or his Deputy or Deputies.

When the time has been enlarged.

If the laſt examination has been enlarged by the Lord Chancellor's order, the form may be thus:

(Recite the iſſuing of the commiſſion, and proceedings to the declaration of bankruptcy, as in the former precedent) and whereas the major part of the ſaid commiſſioners did cauſe notice to be given in the *London Gazette* of the laſt paſt, that the ſaid was thereby required to ſurrender himſelf to the ſaid commiſſioners in the ſaid commiſſion named, or the major part of them, on the 26th day of *January*, and on the 4th day of *February* laſt paſt, and on the 4th day of *March* laſt, at of the clock in the forenoon, on each of the ſaid days, at *Guildhall*, *London*, and make a full diſcloſure and diſcovery of his eſtate and effects. And whereas the ſaid before the ſaid 4th day of *March* laſt, cauſed the major part of the commiſſioners in the ſaid commiſſion named and authoriſed to be duly ſerved with an order of the Right Honourable *Edward* Lord *Thurlow*, Lord High Chancellor of *Great Britain*, dated the day of for enlarging the time of the ſaid for diſcloſing and diſcovering his eſtate, and finiſhing his examination,

mination, for the ſpace of 49 days, to be computed from the ſaid 4th day of *March*. And whereas the ſaid attended us on this day in purſuance of the ſaid order, in order to finiſh his examination, and to make a full diſcloſure and diſcovery of his eſtate and effects, and being then and there duly ſworn, &c. (as before.)

Commitment upon an adjourned Examination.

When the examination has been adjourned.

And whereas the major part of the ſaid commiſſioners did cauſe notice to be given in the *London Gazette* of the laſt paſt, that the ſaid was thereby required to ſurrender himſelf to the ſaid commiſſioners in the ſaid commiſſion named, or the major part of them, on the ſaid 26th day of *January* and on the 4th day of *February* laſt paſt, and on the ſaid 4th day of *March*, at of the clock in the forenoon on each of the ſaid days, at *Guildhall*, *London*, and make a full diſcloſure and diſcovery of his eſtate and effects. And whereas the ſaid did on the ſaid 4th day of *March* laſt ſurrender himſelf to the major part of the ſaid commiſſioners in the ſaid commiſſion named and authoriſed, in order to finiſh his examination, and to make a full diſcloſure and diſcovery of his eſtate and effects; and being then and there duly ſworn and required by the major part of the ſaid commiſſioners to make ſuch diſcloſure and diſcovery, he the ſaid was not able to give full and ſatisfactory anſwers to the ſeveral queſtions then and there put to him by the major part of the ſaid commiſſioners

touching his eſtate and effects, and thereupon, at the requeſt of the creditors of the ſaid then and there preſent, and alſo at the requeſt of the ſaid the major part of the ſaid commiſſioners did adjourn the laſt examination of the ſaid until this day at o'clock in the forenoon, at the *Guildhall* of the ſaid city of *London*. And whereas the ſaid attended us at the *Guildhall* aforeſaid on this day in purſuance of the ſaid adjournment, in order to finiſh his examination, and to make a full diſcloſure and diſcovery of his eſtate and effects, and being then and there duly ſworn, &c. (as before.)

Certificate of a Creditor's having proved a Debt, for the purpoſe of his ſeeing a Bankrupt in cuſtody.

Certificate of creditor having proved a debt.

We whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *John Thomas*, of, &c. do hereby certify that *Charles Harcourt*, of, &c. hath proved a debt under the ſaid commiſſion. Witneſs our hands, this day of *June*, in the year of our Lord 1780.

Witneſs,
John Knight.

William Bumpſtead.
Henry Hunter.
Henry Ruſſel.

Warrant

Warrant to commit a Witneſs who attended at the opening of the Commiſſion, and refuſed to ſign his examination.

Warrant to commit a witneſs.

Whereas a commiſſion of bankrupt, under the Great Seal of *Great Britain*, bearing date at *Weſtminſter* the day of *June* inſtant, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, hath been awarded and iſſued againſt *John Thomas*, of, &c. directed unto *William Bumpſtead*, *Henry Hunter*, *Henry Ruſſel*, and *Henry Cowper*, Eſquires, and *Richard Hargrave*, Gentleman, thereby giving full power and authority to the ſaid commiſſioners, four or three of them, to proceed according to the ſeveral ſtatutes made and now in force concerning bankrupts. And whereas *Edward Holt*, of *London*, merchant, was, on the day of *June* inſtant, preſent at a meeting before us, whoſe hands and ſeals are hereunto ſubſcribed and ſet, being the major part of the commiſſioners named and authoriſed in and by the ſaid commiſſion; and the ſaid *Edward Holt* being ſworn and examined by us, the major part of the ſaid commiſſioners in the ſaid commiſſion named, we having before we proceeded to act under and by virtue of the ſaid commiſſion taken the oath appointed by an act of parliament paſſed in the 5th year of the reign of his late majeſty king *George* the 2d for commiſſioners of bankrupts to take before they act as commiſſioners in the execution of the power or authorities given and grant-

ed by the act or acts of parliament now in force concerning bankrupts, touching the trade and dealings of the ſaid *John Thomas*, and alſo concerning ſeveral acts of bankruptcy ſuppoſed to be committed by the ſaid *John Thomas*; which examination of the ſaid *Edward Holt* was reduced and taken down in writing, and ſuch writing was read over to him, and to the wording of which ſaid examination the ſaid *Edward Holt* declared he had no objection; (or to the wording of which ſaid examination or otherwiſe, the ſaid *Edward Holt* did not in the judgment of us the major part of the ſaid commiſſioners make any reaſonable objection:) notwithſtanding which the ſaid *Edward Holt* refuſed to ſign or ſubſcribe ſuch examination, ſo reduced and taken down in writing, as aforeſaid, though required by us ſo to do: We therefore whoſe hands and ſeals are hereunto ſubſcribed and ſet, being the major part of the commiſſioners in the ſaid commiſſion named, do hereby will, require, and authoriſe you, immediately to take into your cuſtody the body of the ſaid *Edward Holt*, and him ſafely to convey to his majeſty's priſon of the *Fleet*, and him there to deliver to the warden of the ſaid priſon, who is hereby required and authoriſed to receive the body of the ſaid *Edward Holt* into his cuſtody, and him ſafely to detain, without bail or mainprize, until he ſhall ſubmit himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, and ſhall ſign or ſubſcribe the examination aforeſaid, according to the true intent and meaning of the ſaid ſtatutes in the ſaid commiſſion mentioned, for which this ſhall be your ſufficient warrant. Given

under

under our hands and ſeals, this
day of *June*, 1780.

To *David Caddell*, our meſſenger, &c.

William Bumpſtead. (L. S.)
Henry Hunter. (L. S.)
Henry Ruſſel. (L. S.)

Commitment of a Witneſs for refuſing to be ſworn and anſwer Interrogatories.

Commitment of a perſon ſuſpected to detain bankrupt's effects.

Whereas a commiſſion of bankrupt, under the great ſeal, &c. *(as before)* And whereas *Edward Holt* was ſuſpected to have embezzled, concealed, and ſecretly diſpoſed of a great part of the goods and eſtate of the ſaid *John Thomas*, and was duly ſummoned to appear before us, and being now preſent at a meeting before us the major part of the commiſſioners in the ſaid commiſſion named, ſitting in the execution of the ſaid commiſſion, and having, before we proceeded to act under and by virtue of the ſaid commiſſion, taken the oath appointed by an act of parliament paſſed in the 5th year of the reign of his late majeſty king *George* the ſecond, for commiſſioners of bankrupt to take, before they act as commiſſioners in the execution of the power or authorities given and granted by the ſaid act or acts of parliament now in force concerning bankrupts, refuſed to be ſworn, though required by us ſo to be, and alſo refuſed to make anſwer to the following interrogatories (or queſtions) that is to ſay—which we by virtue of the ſaid commiſſion

miſſion required him to anſwer unto, touching the ſaid *John Thomas*, and his eſtate, according to the true meaning of the ſaid ſtatutes, for the diſcovering the eſtate of the ſaid *John Thomas*. We therefore, &c.

Perrot's Commitment.

At *Guildhall, London*, 19th *April*, 1760.

Perrot's commitment.

Whereas his majeſty's commiſſion, under the Great Seal of *Great Britain*, bearing date at *Weſtminſter*, the 19th day of *January* laſt paſt, grounded upon the ſeveral ſtatutes made concerning bankrupts, hath been awarded and iſſued againſt *John Perrott*, of *Ludgate-hill*, *London*, merchant, directed unto us who have hereunto ſubſcribed our names and ſet our ſeals; who have alſo reſpectively taken the oath appointed by an act of parliament, paſſed in the fifth year of his preſent Majeſty's reign, intituled, "An act to prevent the committing of frauds "by bankrupts," for commiſſioners of bankrupts to take before they act as commiſſioners in the execution of the powers or authorities given and granted by the ſaid act or acts of parliament now in force concerning bankrupts, and to *Charles Nelſon Cole*, Eſq. and *Arthur Trollope*, Gentleman, being the major part of the commiſſioners named to execute the ſaid commiſſion; and it having appeared to the major part of the ſaid commiſſioners in the ſaid commiſſion named and authoriſed, upon good and ſufficient proof upon oath, that the ſaid *John Perrott* hath from the month of *July*, 1758, carried

Recital of the commiſſion.

Qualification by commiſſioners.

carried on the trade and buſineſs of a merchant, in his houſe on *Ludgate-hill* aforeſaid, by buying and ſelling linens, lace, and other wares and merchandizes, and by exporting and importing divers and ſundry kind of goods, and hath thereby ſought and endeavoured to get his living as other merchants uſually do: and in the courſe of his ſaid trading and dealing, he became indebted unto *William Hewitt*, of *Newgate-ſtreet*, *London*, warehouſeman, in the ſum of 106*l.* and upwards, for goods ſold and delivered; and alſo have found upon good proof, upon oath, that the ſaid *John Perrott* did, before the date and ſuing forth of the ſaid commiſſion, become a bankrupt, within the true intent and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, ſome or one of them. And they did adjudge and declare him a bankrupt accordingly. And whereas the major part of the ſaid commiſſioners did cauſe notice to be given in the *London Gazette*, of the 22d day of *January* laſt paſt, that the ſaid *John Perrott* was thereby required to ſurrender himſelf to the ſaid commiſſioners in the ſaid commiſſion named, or the major part of them, on the 26th of *January* and on the 4th of *February* laſt paſt, and on the 4th of *March* laſt, at four of the clock in the afternoon on each of the ſaid days, at *Guildhall*, *London*; and make a full diſcloſure and diſcovery of his eſtate and effects. And whereas the ſaid *John Perrott* did, on the ſaid 4th day of *February* laſt, ſurrender himſelf to the major part of the commiſſioners in the ſaid commiſſion named and authoriſed; but being ſworn and examined, ſaid that he

Declaration of bankruptcy.

Notice of meetings.

Bankrupt's ſurrender, and prayer for further time.

he was not then prepared to make a full diſcloſure and diſcovery of his eſtate and effects, but prayed time for the doing thereof, which was granted to him accordingly. And whereas the ſaid *John Perrott* attended the major part of the commiſſioners, in and by the ſaid commiſſion named and authoriſed, on the ſaid 4th day of *March*, in order to finiſh his examination, and to make a full diſcloſure and diſcovery of his eſtate and effects, but producing to the ſaid commiſſioners an order of the right honourable Sir *Robert Henley*, knight, Lord Keeper of the Great Seal of *Great Britain*, dated the 28th day of the ſaid *February* 1760, for enlarging the time of the ſaid *John Perrott*, for diſcloſing and diſcovering his eſtate, and finiſhing his examination, for the ſpace of forty-ſix days, to be computed from the ſaid 4th of *March* to this day. And whereas the ſaid *John Perrott* attended us on this day, in purſuance of the ſaid order, in order to finiſh his examination, and to make a full diſcloſure and diſcovery of his eſtate and effects, and being then and there duly ſworn and required by us to make ſuch diſcloſure and diſcovery; we the ſaid commiſſioners did cauſe the following queſtion in writing to be propounded to him the ſaid *John Perrott*, (that is to ſay) "As you do admit that you "have ſpent the laſt week, previous to this your "examination, with Mr. *Maynard*, one of your aſ- "ſignees, to ſettle and adjuſt your accounts, and to "draw up a true ſtate thereof, to enable you to "cloſe ſuch your examination; and do likewiſe "admit, that upon ſuch ſtate thereof it appears "that after giving you credit for all ſums of money "paid

Order for enlargement.

Bankrupt attended at enlarged time.

The queſtion.

« paid by you, and making you a debtor for all « goods ſold and delivered to you from your firſt « entering into trade to the time of your bank- « ruptcy, it appears, that there is a deficiency of « the ſum of 13,513*l.* Give a true and particu- « lar account what is become of the ſame, and how « and in what manner you have applied and diſ- « poſed thereof." To which queſtion ſo put by us, as aforeſaid, the ſaid *John Perrott* did wilfully and obſtinately refuſe to give any other than the following general anſwer, (that is to ſay) « That « on goods ſold this laſt year I have loſt upwards of « 2000*l.* and by mournings I loſt upwards of « 1000*l.* and, that for nine or ten years I have, « I am ſorry to ſay it, been extremely extravagant, « and ſpent large ſums of money. *John Perrott.*" Which anſwer of the ſaid *John Perrott not being ſatisfactory* to us the ſaid commiſſioners: Theſe are therefore to will, require, and authoriſe you immediately, upon receipt hereof, to arreſt, and take into your cuſtody, the body of the ſaid *John Perrott*, and him ſafely to convey to his majeſty's priſon of *Newgate*, and him there to deliver to the keeper of the ſaid priſon, who is hereby *required* and *authoriſed*, by virtue of the *commiſſion* and *ſtatutes* aforeſaid, to receive the ſaid *John Perrott* into his cuſtody, and him ſafely to keep and detain, *without bail or mainprize*, until ſuch time as he ſhall ſubmit himſelf to us the ſaid commiſſioners, or the major part of the commiſſioners by the ſaid commiſſion named and authoriſed, and full anſwer make, to our or their ſatisfaction, to the queſtion ſo put to him by us as aforeſaid. And for ſo doing this ſhall be your ſufficient

The anſwer.

Anſwer not ſatisfactory.

Warrant to the meſſenger and keeper of Newgate, to arreſt and detain bankrupt until, &c.

ficient warrant. Given under our hands and ſeals, at the *Guildhall* of the city of *London*, this 19th day of *April*, in the year of our Lord 1760.

To *William Cheſhyre*, our meſſenger, or *Robert Brown*, his aſſiſtant.

And

To *Richard Akerman*, keeper of his majeſty's priſon of *Newgate*, or to his deputy there.

F. Filmer, (L. S.)
Cr. Lofft, (L. S.)
Wm. Crawley, (L. S.)

Of ſubmitting to Arbitration.

THE aſſignees cannot of themſelves refer diſputes to arbitration, compound debts, or commence ſuits in equity, but muſt call a meeting of the creditors, by notice given in the *London Gazette* for that purpoſe, at which meeting the majority in value of the creditors preſent, who have proved their debts under the commiſſion, are to determine upon the matter propoſed to them by the aſſignees, and ſuch determination is binding upon all the other creditors.

For the form of the notice, ſee *Advertiſements*.

At, &c.

Be it remembered, That at a meeting of the creditors of *A. B.* of merchant, dealer and chapman, a bankrupt, purſuant to notice in the *London Gazette* for that purpoſe given, it is agreed by us whoſe hands are hereunto ſet, being the majority in value of the creditors of the ſaid *A. B.* now preſent, that the aſſignees of the eſtate and effects of the ſaid *A. B.* ſhall and may have full power and authority to compound, ſettle, and adjuſt any debt or debts due to the ſaid bankrupt's eſtate, and alſo ſhall and may have full power and authority to ſubmit to arbitration any matter, diſpute, or thing whatſoever, that ſhall or may ariſe on account of the ſaid bankrupt's eſtate; and alſo ſhall and may have full power and authority to commence and proſecute any ſuit or ſuits at law, or in equity, againſt *C. D.* of or againſt any other perſon or perſons whatſoever, as ſhall be thought neceſſary, touching the ſaid bankrupt's eſtate and effects, or for recovering of any part of the ſame, or to ſet aſide any mortgage made by the ſaid bankrupt; and generally to do every lawful act and acts, that they ſhall think neceſſary, or ſhall be adviſed, in and about the premiſes.

Authority by creditors to ſubmit to arbitration.

G. H.
R. N.

Note. It is uſual to take this general authority, but the proper way is to call a meeting upon every reference, compoſition or ſuit in equity propoſed,

propoſed, as the act of 5 *G.* 2. does not give the creditors preſent a power to bind the reſt by a general authority to the aſſignees.

Memorandum, where only one Creditor was preſent at the Meeting.

At, &c.

Memorandum where only one creditor was preſent.

Be it remembered, That purſuant to notice in the *London Gazette* of the 16th *May* laſt, for the creditors who had proved their debts under the commiſſion of bankrupt, lately awarded and iſſued againſt late of to meet the ſurviving aſſignees of the ſaid bankrupt's eſtate and effects on this day at 12 o'clock at noon, at this place, in order to aſſent to, or diſſent from the ſaid ſurviving aſſignees, agreeing and making an end of the ſuit in chancery, brought by him and the other aſſignee deceaſed, as aſſignees under the ſaid commiſſion, againſt That *R. B.* the ſaid ſurviving aſſignee, attended at the time and place aforeſaid, to lay before the ſaid creditors the propoſals hereinafter mentioned for ſettling and adjuſting the ſaid ſuit, (that is to ſay,) that the ſaid *R. B.* on behalf of himſelf and the other creditors of the ſaid ſhould agree to diſmiſs his ſaid bill, filed in the ſaid court of chancery, without coſts, and aſſign over to the ſaid *M. D.* one of the defendants in the ſaid cauſe, all his right and title, as ſurviving aſſignee of the ſaid bankrupt, to, &c. Which propoſals the ſaid *R. B.* thinking very much for the benefit and intereſt of

of the creditors under the ſaid commiſſion, cauſed ſuch notice to be given as aforeſaid; and the ſaid *R. B.* attending at the time and place aforeſaid, from 12 o'clock to 2 in the afternoon of the ſame day, and no other of the creditors of the ſaid bankrupt appearing, or ſending any perſon on their behalf, the ſaid *R. B.* does accept of, and agree to put an end to the above ſuit on the terms aforeſaid. *R. B.*

Renewed Commiſſion.

Petition for a renewed Commiſſion.

To the Right Honourable *Edward* Lord *Thurlow*, Baron *Thurlow*, of *Aſhfield*, in the county of *Suffolk*, Lord High Chancellor of *Great Britain*.

The humble Petition of *Thomas Hopkins*, of, &c. the Aſſignee of *John Thomas*, bankrupt;

Sheweth,

THAT upon application of your petitioner, a commiſſion of bankrupt, dated the day of in the year of the reign of his late majeſty king *George* the ſecond, was awarded againſt *John Thomas*, of, &c. directed unto, &c. whereupon the ſaid *John Thomas* was declared bankrupt, and ſeveral proceedings have been thereon had.

Petition for renewed commiſſion.

That by reaſon of the death of the ſaid the ſaid commiſſion cannot be further proceeded upon, without being renewed.

Your petitioner therefore humbly prays your lordſhip, that the ſaid commiſſion may be renewed.

And your petitioner ſhall ever pray, &c.

This petition is lodged at the ſecretary of bankrupt's office by the ſolicitor, and is not annexed (as the original petition) to the commiſſion.

Renewed Commiſſion on Death of Commiſſioners.

Renewed commiſſion.

George the Third, by the grace of God of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, &c. To our truſty and well-beloved *William Bumpſtead*, *Henry Hunter*, *Henry Ruſſel*, *Henry Cowper*, Eſquires, and *Richard Hargrave*, Gentleman, greeting. [*here recite the original commiſſion, to* "diligence and effect;" *then add*] Now foraſmuch as *Thomas Hopkins*, of, &c. by his humble petition, exhibited to our lord high chancellor of *Great Britain*, for the reaſons therein contained, prayeth that the ſaid commiſſion might be renewed, whereunto we graciouſly inclining, do by theſe preſents name, aſſign, appoint, conſtitute, and ordain you our ſpecial commiſſioners, hereby giving full power and authority unto you, four or three of you, to proceed according to the ſaid ſtatutes, and all

other ſtatutes in force concerning bankrupts; not only concerning the ſaid bankrupt, his body, lands, tenements, freehold and cuſtomary goods, debts, and other things whatſoever; but alſo concerning all other perſons, who, by concealment, claim, or otherwiſe, do or ſhall offend touching the premiſes, or any part thereof, contrary to the true intent and meaning of the ſaid ſtatutes; and to do and execute all and every thing and things whatſoever, as well for and towards ſatisfaction and payment of the ſaid creditors, as towards and for all other intents and purpoſes, according to the ordinance and proviſion of the ſame ſtatutes; willing and commanding you, four or three of you, to proceed to the execution and accompliſhment of this our commiſſion, according to the true intent and meaning of the ſame ſtatutes, with all diligence and effect, as our ſpecial truſt is in you repoſed. Witneſs ourſelf at *Weſtminſter*, the day of in the year of our reign.

J. Yorke.

On beſpeaking a renewed commiſſion, you leave at the bankrupt office two guineas, and pay the reſt when you take the commiſſion away.

	l.	*s.*	*d.*
For renewed commiſſion	2	18	0
For petition	0	18	6
For tin box	0	1	6
	3	18	0

Coſts of renewed commiſſion.

Letter of Attorney to vote in the Choice of Aſſignees.

Letter of attorney to vote in choice of aſſignees.

Know all men by theſe preſents, That I of, &c. one of the creditors of against whom a commiſſion of bankrupt, under the Great Seal of *Great Britain*, hath been awarded and iſſued, Have made, ordained, conſtituted and appointed; and by theſe preſents Do make, ordain, conſtitute and appoint of, &c. my true and lawful attorney for me, and in my name, place and ſtead, to appear before the commiſſioners in and by the ſaid commiſſion named and authoriſed, or the major part of them, at *Guildhall*, *London*, or elſewhere, at the days and times appointed in the *London Gazette*, for the choice of aſſignees of the eſtate and effects of the ſaid and then and there for me, and in my name, to conſent with whom the monies to be received from time to time amounting to the ſum of 100*l.* or upwards, out of the ſaid bankrupt's eſtate and effects, ſhall remain, until the ſame be divided. And alſo for me, and in my name, to vote in the choice of one or more aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects. And alſo in caſe that I the ſaid ſhould happen to be choſen aſſignee under the ſaid commiſſion againſt the ſaid then as my ſaid attorney, and for me and in my name,

name, to accept the ſaid truſt, and to execute a counter-part of the aſſignment to the commiſſioners; and further, to act, do and perform all and whatſoever ſhall be needful and requiſite to be done, in, about, or concerning the premiſes. And I do hereby ratify, confirm and allow all and whatſoever my ſaid attorney ſhall lawfully do, or cauſe to be done for me, by virtue of theſe preſents, and of the power and authority hereby to him by me given. In witneſs whereof, I the ſaid have hereunto ſet my hand and ſeal this day of in the year of the reign of our ſovereign Lord *George* the Third, *&c.* and in the year of our Lord 17

(L. S.)

Sealed and delivered
(being firſt duly ſtamped)
in the preſence of

Affidavit of the Execution of the above Letter of Attorney.

T. H. of maketh oath, that he was preſent and did ſee of, *&c.* duly ſign, ſeal, and as his act and deed deliver the letter of attorney hereunto annexed, and that the name ſubſcribed againſt the ſeal of the ſaid Letter of Attorney is the proper hand-writing of the ſaid and that the names

Affidavit of the execution of letter of attorney.

of this deponent and of ſub-
ſcribed to the ſaid Letter of Attorney as witneſſes to the execution thereof, are of this deponent's and of the ſaid own proper reſpective hand-writing.

Sworn at in the
county of the
day of in the year
of our Lord before me
Maſter in Chancery extraordinary.

Jan. 6th, 1770.

Exhibited to us under *Hoſenclever*'s commiſſion.

Robert Fawcett.
William Strong.
George Hill.

Letter of Attorney to ſign conſent to the Commiſſioners certifying to the Great Seal, that the Bankrupt hath conformed; and to conſent to Aſſignees commencing ſuits in equity, &c. and to receive dividends.

Letter of attorney to ſign certificate.

Know all men by theſe preſents, that we *Thomas Hopkins*, of, &c. and *Robert Simpſon*, of, &c. creditors of *John Thomas*, of, &c. the perſon againſt whom a commiſſion of bankrupt is awarded and iſſued, and now in proſecution, and who have duly proved our reſpective debts under the ſaid commiſſion, have made, ordained, authoriſed, conſtituted, and appointed, and by theſe preſents do make, ordain, authoriſe, conſtitute, appoint, and in our places and

and ſteads reſpectively put *Samuel Hart*, of, &c. to be our true and lawful attorney, for us and in our names reſpectively to conſent with whom the monies to be received from time to time, when the ſame ſhall amount to the ſum of 100*l.* or upwards, out of the bankrupt's eſtate and effects, ſhall remain until the ſame be divided. And alſo for us and in our names, places, and ſteads reſpectively to vote in the choice of one or more new aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, in caſe of any alteration or change of the preſent aſſignees. And alſo for us and in our names, places, and ſteads reſpectively, to conſent to the commiſſioners in and by the ſaid commiſſion named and authoriſed, or the major part of them, ſigning a certificate for the ſaid bankrupt's having the allowance and benefit given to bankrupts, by an act of parliament paſſed in the fifth year of the reign of his late Majeſty King *George* the Second, intituled, "An act to prevent the committing of frauds by "bankrupts," and that the ſaid bankrupt may be diſcharged from his debts, in purſuance of the ſaid act. And alſo for us and in our names reſpectively to conſent, not only to the commencing of any ſuit or ſuits in equity, by the aſſignee or aſſignees under the ſaid commiſſion, touching the ſaid bankrupt's eſtate, but alſo to the ſubmitting of any diſpute or difference between ſuch aſſignee or aſſignees, or any other perſon or perſons whatſoever, for or on account or by reaſon or means of any matter, cauſe or thing whatſoever, relating to the ſaid bankrupt's eſtate or effects, and likewiſe to ſuch aſſignee

or aſſignees making any compoſition with any perſon or perſons, debtors or accountants to the ſaid bankrupt, where the ſame ſhall appear neceſſary and reaſonable. And alſo for us and in our names, places, and ſteads reſpectively, and for our proper uſes and benefits reſpectively, to aſk, demand, ſue for, and receive of and from the aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, or whom elſe theſe preſents do, ſhall, or may concern, all and every ſuch ſum or ſums of money as now is or are, or which ſhall hereafter become, due or payable to us the ſaid *Thomas Hopkins* and *Robert Simpſon* reſpectively, for our reſpective dividends or ſhares of the ſaid bankrupt's eſtate and effects, on our ſaid reſpective debts duly proved under the ſaid commiſſion as aforeſaid, and on receipt thereof, for us and in our reſpective names, to ſign, ſeal, and deliver all and every ſuch good and ſufficient receipts, acquittances, releaſes and diſcharges to the ſaid aſſignee or aſſignees, as ſhall and may be lawful, fit and convenient to be executed, and generally to do all and every ſuch further and other lawful act and deed, matter and thing in the law, for the better executing and diſcharging the power and authority hereby given, as fully and amply, to all intents and purpoſes, as we ourſelves or either of us might or could do, if perſonally preſent, and did the ſame; hereby ratifying, allowing, and confirming, all and whatſoever our ſaid attorney ſhall or may lawfully do, or cauſe to be done, in and about the ſaid premiſes, for the better executing the purpoſes aforeſaid, by virtue of theſe preſents. In witneſs whereof we the ſaid

Thomas

Thomas Hopkins and *Robert Simpſon* have to theſe preſents ſet our hands and ſeals, this day of in the year of our Lord 1780.

Sealed, &c.

This letter of attorney muſt be accompanied with an affidavit of its due execution; and if two perſons join in executing the power for diſtinct debts, whether there muſt not be two ſtamps, is a queſtion that has been raiſed, but never decided.

Affidavit of the Execution of the above Letter of Attorney.

Affidavit of execution of letter of attorney.

John Knight, of maketh oath, that he was preſent and did ſee *Thomas Hopkins* and *Robert Simpſon*, of, &c. duly ſign, ſeal, and as their act and deed deliver the letter of attorney hereunto annexed, and that the names of *Thomas Hopkins* and *Robert Simpſon*, reſpectively ſubſcribed againſt the ſeals of the ſaid letter of attorney, were the proper hand-writing of the ſaid *Thomas Hopkins* and *Robert Simpſon*, and that the names of this deponent, and of *William Weſt*, ſubſcribed to the ſaid letter of attorney, as witneſſes to the execution thereof, are of this deponent's, and of the ſaid *William Weſt*'s own proper reſpective hand-writings.

John Knight.

Sworn at *Chelmsford* in the county of *Eſſex*, the 11th day of *July*, in the year of our Lord before me,

Robert Fitzpatrick,
Maſter in Chancery Extraordinary.

A Let-

A Letter of Attorney from the Aſſignees to empower another to receive Rents.

Letter of attorney from aſſignees to collect rent.

Know all men by theſe preſents, that we *Samuel Atkinſon*, of *Croydon*, in the county of *Surrey*, Eſq; and *John Twells*, of *Wood-ſtreet*, *London*, hoſier, aſſignees of the eſtate and effects of *John Powell*, late of *Cheapſide*, *London*, hoſier, a bankrupt, have made, ordained, conſtituted, and appointed, and by theſe preſents do make, ordain, conſtitute, and appoint *Rowland Freeman*, of *Cirenceſter*, in the county of *Glouceſter*, gentleman, our true and lawful attorney, for us and in our names, to aſk, demand, and receive of and from *John Coates*, *William Hughes*, and *William Cox*, of *Cirenceſter* aforeſaid, all ſuch rents and arrearages of rents, which now are, or ſhall hereafter grow due and payable, from them the ſaid *John Coates*, *William Hughes*, and *William Cox* reſpectively, for the ſeveral lands, meſſuages, and tenements they are in poſſeſſion of at *Cirenceſter* aforeſaid, or elſewhere, in the ſaid county of *Glouceſter*, late the eſtate of the ſaid *John Powell*, or any future tenant or tenants of the ſaid premiſſes, or any part thereof. And upon receipt thereof, or any part thereof, for us, and in our names, as aſſignees as aforeſaid, acquittances, receipts or other ſufficient diſcharges to give for the ſame. But in default of payment thereof, the ſeveral lands to enter, and to diſtrain for the ſaid rents and arrears of rents, and the diſtreſſes there found to diſpoſe of, according to law, as the ſaid *Rowland Freeman* ſhall think

think moſt proper for the recovery thereof. Ratifying and hereby confirming all and whatſoever the ſaid *Rowland Freeman* ſhall lawfully act and do, or cauſe to be done, in and about the premiſes, by virtue of theſe preſents. In witneſs, *&c.*

Letter of Attorney to receive the ſtatutable Allowance *of a Bankrupt.*

Letter of attorney from bankrupt to receive allowance.

Know all men by theſe preſents, that I *John Thomas*, late of, *&c.* have made, ordained, conſtituted, and appointed, and by theſe preſents do make, ordain, conſtitute and appoint, *James Marriott*, of *Long-Acre*, in the county of *Middleſex*, coach-maker, my true and lawful attorney, for me, and in my name, place and ſtead, to aſk, demand, ſue for, and receive, of and from the preſent aſſignee or aſſignees, or any future aſſignee or aſſignees, of my eſtate and effects, or whom elſe theſe preſents do, ſhall, or may concern, all and every ſuch ſum and ſums of money as now is or are, or which ſhall hereafter become due or payable to me the ſaid *John Thomas*, for all or any allowance or allowances I may be entitled to out of the net produce of my ſaid eſtate or effects, by act of parliament or otherwiſe howſoever, as a certificated bankrupt; and on payment of the ſaid monies, or any of them, or any part thereof, for me and in my name to ſign, ſeal and deliver, all and every ſuch good and ſufficient receipts, acquittances, releaſes and diſcharges, to the ſaid aſſignee or aſſignees, as

ſhall

ſhall and may be lawful, fit, and convenient to be given, and generally to do all and every ſuch other and further lawful act and deed, matter or thing, for the better executing and diſcharging the power and authority hereby given, as fully and amply, to all intents and purpoſes, as I myſelf might or could do, if perſonally preſent and did the ſame; hereby ratifying and confirming all and whatſoever my ſaid attorney ſhall or may lawfully do, or cauſe to be done, in and about the ſaid premiſes, for the better executing the purpoſes aforeſaid by virtue of theſe preſents. In witneſs whereof I, the ſaid *John Thomas*, have hereunto ſet my hand and ſeal, this day of *November*, in the year of our Lord 17

Sealed and delivered (being firſt duly ſtampt) in the preſence of

N. B. There muſt be an affidavit of the execution of this letter of attorney.

Releaſes.

A Releaſe to be given by the Bankrupt before he can give evidence to increaſe his eſtate on a Trial at Law.

Releaſe from bankrupt to make him a witneſs.

KNOW all men by theſe preſents, that I *William Howells*, late of the city of *Briſtol*, watch-maker, dealer and chapman, the perſon againſt

againſt whom a commiſſion of bankrupt hath been lately awarded and iſſued, bearing date, at *Weſtminſter*, the 20th day of *June*, in the fourth year of the reign of his preſent majeſty, king *George* the Third, have remiſed, releaſed, and for ever quitted claim, and by theſe preſents do remiſe, releaſe, and for ever quit claim, unto *Robert Bright* and *Hanbury Pettingal*, the aſſignees of my eſtate and effects, under and by virtue of the ſaid commiſſion, their and each of their heirs, executors and adminiſtrators, all and all manner of allowances, ſum and ſums of money due and owing, or payable unto me out of my ſaid eſtate and effects, by virtue of any act or acts of parliament or otherwiſe howſoever. And alſo all the reſiduum or ſurplus of my ſaid eſtate and effects, which now are or hereafter ſhall be owing or becoming due or payable to me, as well before as after the payment and ſatisfaction to my ſeveral creditors ſeeking or to ſeek relief under the ſaid commiſſion, their full and whole reſpective debt and debts, and all other intereſt, claim, and demand that I now have, or hereafter may have, from and out of my ſaid eſtate and effects. And alſo all and all manner of action and actions, cauſe and cauſes of action, ſuits, bills, bonds, writings obligatory, debts, dues, duties, accompts, ſum and ſums of money, judgments, executions, extents, quarrels, controverſies, treſpaſſes, and damages whatſoever, both in law and equity, or otherwiſe howſoever, which againſt the ſaid *Robert Bright* and *Hanbury Pettingal*, as aſſignees of my eſtate and effects, or either of them, under the ſaid commiſſion, or otherwiſe howſoever, I ever had,

had, and which I, my heirs, executors or adminiſtrators ſhall or may hereafter have, claim, challenge or demand, for or by reaſon or means of any matter, cauſe, or thing whatſoever, from the beginning of the world unto the day of the date of theſe preſents. In witneſs, &c.

A Releaſe from one Aſſignee (who was diſcharged) of all his right, &c. to Bankrupt's perſonal eſtate to the other Aſſignees.

Releaſe from removed aſſignee to remaining one.

This indenture, made the 24th day of *October*, in the thirty-third year of the reign, &c. and, &c. 1759, between *John Rigby*, of *Gracechurch-ſtreet*, *London*, warehouſeman, of the one part; and *William Rowling*, of, &c. and *William Banks*, of, &c. Whereas the king's majeſty's commiſſion under the Great Seal of *Great Britain*, grounded on the ſeveral ſtatutes made, and now in force concerning bankrupts, and bearing date at *Weſtminſter* the 16th day of *January* laſt paſt, hath been awarded and iſſued againſt *Edward Robinſon*, of, &c. dealer and chapman, directed to *James Nariſh*, *William Andrews*, *Richard Cromwell*, *Francis Warden*, eſqrs, and *Alexander Bailis*, gentleman, thereby giving full power and authority to them the ſaid commiſſioners, four or three of them, to proceed upon, and execute the ſaid commiſſion, as by the ſaid commiſſion, relation being thereunto had, may more fully and at large appear. And whereas the ſaid *James Nariſh*, *Richard Cromwell*, and *Alexander Bailis*, being the major

major part of the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed; having put the ſaid commiſſion in execution, upon due examination of witneſſes, and other good proof upon oath, before them had and taken, did find that the ſaid *Edward Robinſon* had, for the ſpace of 13 years next before the date and ſuing forth of the ſaid commiſſion, uſed and exerciſed the trade and buſineſs of a ſlopſeller, dealer, and chapman, in buying and ſelling of linen, and other goods, and thereby ſought and endeavoured to get his livelihood as others of the ſame trade and buſineſs uſually do; and that during the time of his ſaid trading and dealing, he the ſaid *Edward Robinſon* became juſtly indebted, and then did owe and ſtood indebted to *William Woodmaſs*, of, &c. in the ſum of 100*l.* and upwards, and being ſo indebted, he the ſaid *Edward Robinſon* did, before the date and ſuing forth of the ſaid commiſſion, in the judgment of the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, become a bankrupt, to all intents and purpoſes whatſoever, within the compaſs and true intent and meaning of the ſeveral ſtatutes in the ſaid commiſſion mentioned, or within ſome or one of them. And whereas, at a meeting of the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, at the *Guildhall* of the city of *London*, the 7th day of *February* laſt paſt, (the day appointed by notice in the *London Gazette* for the choice of an aſſignee or aſſignees of the eſtate and effects of the ſaid *Edward Robinſon*) the major part in value of the ſaid creditors then preſent, whoſe debts re-

ſpectively

ſpectively amounted to the ſum of 10*l.* and upwards, did nominate, elect and chooſe the ſaid *William Rowling*, *William Banks*, and *John Rigby* to be the aſſignees of the eſtate and effects of the ſaid *Edward Robinſon*, and to ſuch choice did ſeverally ſet their hands, and requeſt the commiſſioners named and authoriſed in and by the ſaid commiſſion, or the major part of them, to execute an aſſignment thereof to the ſaid *William Rowling*, *William Banks*, and *John Rigby* accordingly. And whereas by indenture duly executed, bearing date on or about the 9th day of *February* laſt paſt, and made or mentioned to be made, between the ſaid *James Nariſh*, *Richard Cromwell*, eſqrs. and *Alexander Bailis*, gent. the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed, of the one part; and the ſaid *William Rowling*, *William Banks*, and *John Rigby*, by their reſpective additions therein named, of the other part; reciting to the effect hereinbefore recited. They the ſaid commiſſioners, parties thereto, being the major part of the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, in part execution of the ſaid commiſſion, and the ſtatutes therein mentioned, and by virtue thereof, and for the conſiderations therein mentioned, did as much as in them the ſaid commiſſioners, parties thereto, lay, and they lawfully might or could, order, bargain, ſell, aſſign, transfer, and ſet over, unto the ſaid *William Rowling*, *William Banks*, and *John Rigby*, their executors and adminiſtrators, all and ſingular the goods, wares, merchandizes, houſhold ſtuff, plate, linen, debts, ſum and ſums of money, effects

fects and things whatſoever, due, owing, or belonging to the ſaid *Edward Robinſon*, or his eſtate; and all other the perſonal eſtate and effects whatſoever, late of him the ſaid *Edward Robinſon*, which he, or any perſon or perſons in truſt for him, was or were poſſeſſed of, intereſted in, or entitled unto, at the time he became a bankrupt, or at any time ſince. And all the eſtate, right, title, intereſt, claim and demand whatſoever, both in law and equity, of him the ſaid *Edward Robinſon*, at the time he became a bankrupt as aforeſaid or at any time ſince, of, in, or to the ſaid premiſſes, or any part or parcel thereof, to hold all and ſingular the premiſſes therein before ordered, bargained, ſold, aſſigned, transferred, and ſet over, or mentioned or intended ſo to be, unto the ſaid *William Rowling*, *William Banks*, and *John Rigby*, their executors, adminiſtrators, and aſſigns, from thenceforth, as their own proper goods and chattels, eſtate and effects. In truſt nevertheleſs, and to and for the uſe, benefit, and advantage, as well of them the ſaid *William Rowling*, *William Banks*, and *John Rigby*, as of all ſuch other of the creditors of the ſaid *Edward Robinſon*, as had ſought, or ſhould thereafter in due time come in and ſeek relief, by virtue of, and under the ſaid commiſſion; according to the directions and limitations of the ſeveral ſtatutes in that behalf made and provided, and to and for no other uſe, intent, or purpoſe whatſoever. And the ſaid *William Rowling*, *William Banks*, and *John Rigby* did, for themſelves, ſeverally and reſpectively, and for their ſeveral and reſpective heirs, executors, and adminiſtrators, covenant, promiſe and agree, to and with the ſaid commiſſioners,

parties to that indenture, their executors, and adminiſtrators, and to and with every of them, that they the ſaid *William Rowling*, *William Banks*, and *John Rigby*, their executors, and adminiſtrators reſpectively, ſhould and would, with all convenient ſpeed, by all lawful and equitable ways and means whatſoever, uſe his, their, and every of their utmoſt means and endeavours, to recover, receive, and get into their hands and poſſeſſion, all and ſingular the goods, chattels, wares, merchandizes, effects, debts, ſum and ſums of money, and all other the perſonal eſtate, late of him the ſaid *Edward Robinſon*, thereby aſſigned; and after recovery and poſſeſſion had and obtained thereof, or of ſuch parts thereof as were ſaleable, ſhould and would, with like convenient ſpeed, make ſale or other diſpoſition thereof, for the moſt and beſt value and price that they or either of them might or could get or procure for the ſame, and ſhould and would, from time to time, and at all times thereafter, render and give, unto the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, or the major part of them, at ſuch times and places as they the ſaid commiſſioners, or the major part of them, ſhould from time to time direct and appoint, a juſt, true, fair, and perfect account in writing, of what and how much monies, or other ſatisfaction, they ſeverally and reſpectively, and their ſeveral and reſpective executors, adminiſtrators, or aſſigns, ſhould have had, recovered, received, or gotten in, by virtue of that aſſignment or otherwiſe, out of the eſtate and effects of the ſaid *Edward Robinſon*; and all ſuch monies, or other ſatisfaction, as upon ſuch accounts ſhould appear to be

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had, recovered, raiſed, and received by them the ſaid *William Rowling*, *William Banks*, and *John Rigby*, their reſpective executors, adminiſtrators, and aſſigns, or ſome of them, ſhould and would well and truly pay, or cauſe to be paid, ſatisfied, or rendered, unto the ſaid commiſſioners in and by the ſaid commiſſion named and authoriſed, or the major part of them, to the end that the ſame might be by them, or the major part of them, ordered, diſpoſed, diſtributed, divided, and ſet over, unto and amongſt ſuch of the creditors of the ſaid *Edward Robinſon* as had then already proved, or ſhould thereafter in due time come in and prove, their debts under the ſaid commiſſion, according to the limitations and directions of the ſeveral ſtatutes in the ſaid commiſſion mentioned, rateably and proportionably, to their ſeveral debts owing to them reſpectively, from the ſaid *Edward Robinſon*, and to and for no other uſe, intent or purpoſe whatſoever; with a proviſo in the ſaid indenture of aſſignment contained, that they the ſaid *William Rowling*, *William Banks*, and *John Rigby*, their reſpective executors or adminiſtrators, or any or either of them, ſhould not be anſwerable for the acts or defaults of the other or others of them, but each of them for his own acts and deeds only. And that they the ſaid *William Rowling*, *William Banks*, and *John Rigby*, their heirs, executors, and adminiſtrators, ſhould and would, from time to time, and at all times thereafter, well and ſufficiently ſave, defend, keep harmleſs and indemnified, all the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, and every of them, their and every of their heirs, executors, and adminiſtrators, their lands, tenements,

goods, chattels, and every part thereof, and their and every of their officers, agents, and ſervants, who had been, or who ſhould thereafter be by them or any of them employed in and about the execution of the ſaid commiſſion, of, from, and againſt all and all manner of action and actions, ſuits, arreſts, coſts, charges, damages, and expences whatſoever, which they or any or either of them ſhould or might be at, pay, ſuſtain, or be put unto, for or by reaſon or means of that aſſignment, or any other act or acts, thing or things, by them, or any or either of them, lawfully done or executed, or to be done and executed, by virtue of the ſaid commiſſion, or any of their lawful intermeddlings in or about the eſtate or effects of the ſaid *Edward Robinſon*; as in and by the ſaid recited indenture of aſſignment, relation being thereunto had, may more fully and at large appear. And whereas the ſaid *John Rigby*, or any other perſon or perſons for his uſe, hath not, nor have, at any time received or got into his or their poſſeſſion, cuſtody, or power, any monies, goods, chattels, effects, or perſonal eſtate of, or late belonging to the ſaid *Edward Robinſon*. And whereas the ſaid *John Rigby* did, ſome time ſince, prefer his petition to the right honourable the Lord Keeper of the Great Seal of *Great Britain*, thereby for the reaſons therein contained, praying, that he might be diſcharged from being one of the aſſignees under the ſaid commiſſion, and that he might releaſe all his right, title, and intereſt, of, in, and to the ſaid bankrupt's eſtate and effects, unto the ſaid *William Rowling* and *William Banks*, the ſaid two other aſſignees, and the matters of the ſaid petition coming on to be heard before his Lordſhip on or about the

31ſt day of *July* paſt, his lordſhip was then pleaſed to order, that the ſaid petitioner the ſaid *John Rigby* be diſcharged from being one of the aſſignees of the eſtate and effects of the ſaid *Edward Robinſon* the bankrupt, and that the petitioner the ſaid *John Rigby* ſhould forthwith execute a releaſe to the ſaid *William Rowling* and *William Banks*, the other remaining aſſignees, of all his eſtate, right, title, and intereſt, of, in, and to the ſaid bankrupt's eſtate and effects; and that ſuch releaſe ſhould be ſettled by the ſaid commiſſioners, in caſe the parties ſhould differ about the ſame, and the expence of ſuch releaſe was to be borne by the ſaid petitioner *John Rigby*, as in and by the ſaid petition and order, relation being thereunto reſpectively had, may more at large appear. Now this indenture witneſſeth, that in purſuance of and obedience to the ſaid in part recited order, and for and in conſideration of the ſum of 10*s.* of lawful money of *Great Britain* to the ſaid *John Rigby* in hand well and truly paid by the ſaid *William Rowling* and *William Banks*, or one of them, at or before the ſealing and delivery of theſe preſents, the receipt whereof is hereby acknowledged, he the ſaid *John Rigby* hath aſſigned, tranſferred, remiſed, releaſed, and for ever quitted claim, and by theſe preſents Doth aſſign, tranſfer, remiſe, releaſe, and for ever quit claim, unto the ſaid *William Rowling*, and *William Banks*, their executors and adminiſtrators, all and ſingular the goods, wares, merchandizes, debts, ſum and ſums of money, effects; things, and perſonal eſtate whatſoever, due, owing, or belonging to the ſaid *Edward Robinſon*, at the time he ſo became bankrupt as aforeſaid, and which have not been

ſold or diſpoſed of by the ſaid *William Rowling* and *William Banks*, upon the truſts, and for the purpoſes aforeſaid, and all the eſtate, right, title, intereſt, claim, and demand whatſoever, both in law and equity, of him the ſaid *John Rigby*, of, in or to the ſaid *Edward Robinſon* the bankrupt's goods, chattels, or eſtate, except and always reſerved, unto the ſaid *John Rigby*, his executors, adminiſtrators, and aſſigns, all ſuch dividend and dividends, profits, benefits, and advantages, as he the ſaid *John Rigby* now is or ſhall hereafter be entitled unto as a creditor of the ſaid *Edward Robinſon*, in reſpect of any debt proved or to be proved by him under the ſaid commiſſion, to have and to hold, receive, poſſeſs, and take, all and ſingular the herein beforementioned and intended to be hereby aſſigned and releaſed premiſſes, and every part and parcel thereof, except as before excepted, unto the ſaid *William Rowling* and *William Banks*, their executors and adminiſtrators, upon the truſts, and to and for the intents and purpoſes, and ſubject to and under the covenants, proviſoes, and agreements, in the ſaid hereinbefore in part recited indenture of aſſignment mentioned, expreſſed, and contained, and to or for no other uſe, intent, or purpoſe whatſoever. And the ſaid *John Rigby* for himſelf, his heirs, executors, and adminiſtrators, doth covenant, promiſe, and agree, to and with the ſaid *William Rowling*, and *William Banks*, their executors, and adminiſtrators, by theſe preſents, That he the ſaid *John Rigby* hath not, at any time heretofore made, done, committed, or ſuffered, any act, matter, or thing whatſoever, whereby, wherewith, or by reaſon or means whereof, the premiſſes hereinbefore men-

tioned, and intended to be hereby aſſigned and releaſed, or any of them, or any part or parcel thereof, are, is, ſhall or may be in any wiſe impeached, charged or incumbered.

In witneſs, &c.

Advertiſements.

Of the Party being declared Bankrupt.

Advertiſement of bankruptcy.

WHEREAS a commiſſion of bankrupt is awarded and iſſued forth againſt *Duncan Ferguſon* of *St. James's-ſtreet, Weſtminſter*, in the county of *Middleſex*, milliner, dealer and chapman, and he being declared a bankrupt, is hereby required to ſurrender himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, on the 23d and 26th days of *January* inſtant, at five in the afternoon, and on the 23d day of *February* next, at twelve of the clock at noon, at *Guildhall, London*, and make a full diſcovery and diſcloſure of his eſtate and effects, when and where the creditors are to come prepared to prove their debts, and at the ſecond ſitting to chuſe aſſignees, and at the laſt ſitting the ſaid bankrupt is required to finiſh his examination, and the creditors are to aſſent to or diſſent from the allowance of his certificate. All perſons indebted to the ſaid bankrupt, or that have any of his effects, are not to pay or deliver the ſame but to whom the commiſſioners ſhall appoint, but give notice to Mr. *David Smith, Great St. Helen's, London*.

Enlargement of the Time for Surrendering.

To enlarge the bankrupt's time.

Purſuant to an order made by the right honourable *Edward* Lord *Thurlow*, lord high chancellor of *Great Britain*, for enlarging the time for *John Andrews* of *Air-ſtreet*, *Weſtminſter*, in the pariſh of *St. James*, in the county of *Middleſex*, carpenter and joiner, dealer and chapman, a bankrupt, to ſurrender himſelf, and make a full diſcovery and diſcloſure of his eſtate and effects for ten days, to be computed from the 19th day of *July* inſtant. This is to give notice, That the commiſſioners in the ſaid commiſſion named and authoriſed, or the major part of them, intend to meet on the 29th *July* inſtant, at ten o'clock in the forenoon, at *Guildhall*, *London*, where the ſaid bankrupt is required to ſurrender himſelf, between the hours of eleven and one o'clock of the ſame day, and make a full diſcovery and diſcloſure of his eſtate and effects, and finiſh his examination; and the creditors who have not already proved their debts, may then and there come and prove the ſame, and aſſent to or diſſent from the allowance of his certificate.

Of the Adjournment of laſt Examination.

Adjournment of laſt examination.

The commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *Thomas Price*, of *Serle-ſtreet*, *Lincoln's-Inn-Fields*, in the county of *Middleſex*, wine-merchant, dealer and chapman, intend

tend to meet on the 23d day of *January* inſtant, at five o'clock in the afternoon, at *Guildhall*, *London*, (by adjournment from the 8th inſtant) in order to take the laſt examination of the ſaid bankrupt; when and where he is required to ſurrender himſelf, and make a full diſcovery and diſcloſure of his eſtate and effects, and finiſh his examination; and the creditors, who have not already proved their debts, are to come prepared to prove the ſame, and with thoſe who have proved their debts, are to aſſent to or diſſent from the allowance of his certificate.

Laſt Examination by the Chancellor's order, after the Time for ſurrendering has expired.

Of bankrupt's examination by order, after time for ſurrendering is expired.

Purſuant to an order of the lord high chancellor of *Great Britain*, the commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *James Boſſey*, late of *Deptford* in the county of *Kent*, taylor, dealer and chapman, intend to meet on the 26th day of *January* inſtant, at ten in the forenoon, at *Guildhall*, *London*, in order to take the laſt examination of the ſaid bankrupt; when and where he is required to ſurrender himſelf, and make a full diſcloſure and diſcovery of his eſtate and effects, and finiſh his examination; and the creditors may attend and interrogate him touching the ſame.

Meeting of Creditors.

Meeting of creditors.

The creditors who have proved their debts under a commiſſion of bankrupt awarded and iſſued forth againſt

againſt *Anthony Rutherford*, of *Sunderland* near the ſea, in the county of *Durham*, coal-fitter, dealer and chapman, are deſired to meet the aſſignees of the ſaid bankrupt's eſtate and effects, on the 1ſt day of *February* next, at eleven in the forenoon, at *Thomas Jowſey*'s, the *Golden Lion*, in *Sunderland* aforeſaid, to aſſent to or diſſent from the ſaid aſſignees commencing, proſecuting, or defending any ſuit or ſuits at law or in equity for recovery of any part of the ſaid bankrupt's eſtate and effects; or to the compounding, ſubmitting to arbitration, or otherwiſe agreeing, any matter or thing relating thereto; and on other ſpecial affairs.

This form of advertiſement is uſual, but will not conclude abſent creditors.

Another Form.

Meeting of creditors for a ſpecial purpoſe.

The creditors who have proved their debts under a commiſſion of bankrupt awarded and iſſued forth againſt *John Wright*, of *Dudley* in the county of *Worceſter*, vice-maker, dealer and chapman, are deſired to meet the aſſignee of the eſtate and effects of the ſaid bankrupt, on the 21ſt of *January* inſtant, at eleven o'clock in the forenoon, at *Richard Bunn*'s, the *Buſh Inn*, in *Dudley*, to aſſent to or diſſent from the ſaid aſſignees commencing, and proſecuting a ſuit in equity againſt *Sturmee Maullin*, of *Ettingſall*, in the pariſh of *Sedgley*, in the county of *Stafford*, farmer, executor of the laſt will and teſtament of *Thomas Maullin* his late brother, deceaſed.

Note. The particular purpoſe for which the meeting is called ſhould always be inſerted in the advertiſement, as the abſent creditors will not

not be bound by the determination of the creditors convened by an advertiſement which does not ſpecify the occaſion.

For Sale of the Bankrupt's Eſtate before Commiſſioners.

For ſale of bankrupt's eſtate.

To be ſold before the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *John Thomas, &c.* at the *Guildhall* of the city of *London*, on *Thurſday* the day of *July* next, between the hours of four and ſix o'clock in the afternoon [*Here ſet out a deſcription of the premiſſes intended to be ſold*] For further particulars enquire of [*the clerk to the commiſſion.*]

Sometimes an auctioneer is employed. And the commiſſioners of exciſe have lately, in ſome inſtances, inſiſted upon the ſolicitor to the commiſſion, or other perſon, ſelling, having a licence as auctioneer.

On the day of ſale, having given each of the commiſſioners a particular and conditions of ſale, they proceed, as is uſual in ſuch caſes, before a maſter, a few minutes are allowed for bidding on each lot, and whenever a perſon bids, he muſt ſign his bidding if required; when the ſale is over, a *memorandum* thereof is ſigned by the commiſſioners.

For the Proof of Debts.

For proof of debts.

The commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *James Allan* and *James Brymer*, of *Little Bell-alley, Coleman-ſtreet*, in the city of *London*, merchants and co-partners, intend

tend to meet on the 21ſt day of *January* inſtant, at ſix o'clock in the afternoon, at *Guildhall*, *London*, in order to receive the proof of debts under the ſaid commiſſion.

The commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *James Allan* and *James Brymer* of *Little Bell-alley*, *Coleman-ſtreet*, *London*, merchants, and co-partners, intend to meet on the 21ſt day of *January* inſtant, at ſix of the clock in the afternoon, at *Guildhall*, *London*, in order to receive the proof of the ſeparate debts of the ſaid *James Allan* under the ſaid commiſſion.

Dividend.

Dividend. The commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *Nicholas Leigh*, of the *Cloyſters*, *Weſt-Smithfield*, *London*, linen-draper, dealer and chapman, intend to meet on the 9th day of *February* next, at ten in the forenoon, at *Guildhall*, *London*, in order to make a dividend of the eſtate and effects of the ſaid bankrupt; when and where the creditors, who have not already proved their debts, are to come prepared to prove the ſame, or they will be excluded the benefit of the ſaid dividend. And all claims not then ſubſtantiated will be diſallowed.

Dividend. The commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *John Scoble* the younger, of *Brixham Quay*, in the county of *Devon*, ſhipwright, ſhopkeeper, dealer and chapman, intend to meet on the 29th day of *January* inſtant, at eleven o'clock

o'clock in the forenoon, at the *Bear-Inn*, in the city of *Exeter*, in order to make a dividend of the eſtate and effects of the ſaid bankrupt; when and where the creditors, who have not already proved their debts, are to come prepared to prove the ſame, or they will be excluded the benefit of the ſaid dividend. And all claims not then proved will be diſallowed.

Further Dividend.

Further dividend.

The commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *John Norton*, late of *Golden-ſquare*, in the county of *Middleſex*, dealer and chapman, intend to meet on the 20th of *September* next, at ten in the forenoon, at *Guildhall*, *London*, to make a further dividend of the eſtate and effects of the ſaid bankrupt, when and where the creditors who have not already proved their debts, are to come prepared to prove the ſame, or they will be excluded the benefit of the ſaid dividend. And all claims not then ſubſtantiated will be diſallowed.

Final Dividend.

Final dividend.

The commiſſioners in a commiſſion of bankrupt awarded and iſſued forth againſt *Thomas Chapman*, late of *Feverſham* in the county of *Kent*, haymaker, dealer and chapman, intend to meet on the 9th day of *February* next, at eleven of the clock in the forenoon,

noon, at the *Ship Inn*, in *Feversham* aforesaid, in order to make a final dividend of the estate and effects of the said bankrupt; when and where the creditors, who have not already proved their debts, are to come prepared to prove the same, or they will be excluded the benefit of the said dividend. And all claims not then proved will be disallowed.

Certificate.

Certificate.

Whereas the acting commissioners in the commission of bankrupt awarded and issued forth against *William Thompson*, of *Friday-street*, in the city of *London*, innholder, dealer and chapman, have certified to the right honourable *Edward* lord *Thurlow*, lord high chancellor of *Great Britain*, that the said *William Thompson* hath in all things conformed himself according to the directions of the several acts of parliament made concerning bankrupts; this is to give notice, that, by virtue of an act passed in the fifth year of his late majesty's reign, his certificate will be allowed and confirmed as the said act directs, unless cause be shewn to the contrary on or before the 2d day of *February* next.

Removal of Assignees.

Choice of new assignees.

The commissioners in a commission of bankrupt, awarded and issued against *John Thomas*, of, &c. intend to meet at *Guildhall*, on the day of when and where the creditors

dltors of the ſaid bankrupt who have already proved their debts under the ſaid commiſſion, are to attend in order to chuſe one or more aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects in the room of *William Holland*, and *John Thompſon*, the late aſſignees, who have been diſcharged from being aſſignees by an order of the right honourable the lord high chancellor of *Great Britain*.

Of the Choice of new Aſſignees.

Notice of the choice of new aſſignees.

The acting commiſſioners in a commiſſion of bankrupt awarded and iſſued againſt *John Thomas* of, &c. do hereby give notice, that *William Holland* and *John Thompſon*, late aſſignees of the eſtate and effects of the ſaid bankrupt have been diſcharged from being aſſignees, by an order of the right honourable the lord high chancellor of *Great Britain*, and that *Thomas Hopkins* and *John Simpſon* are appointed aſſignees in their ſtead, and that the ſaid bankrupt's debtors are not to pay their debts to the aſſignees removed.

Choice of aſſignees under renewed commiſſion.

The commiſſioners in a renewed commiſſion of bankrupt, awarded and iſſued againſt *A. B.* of, *&c.* intend to meet on the day of next, at o'clock in the noon, at in order to proceed to the choice of an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects; when and where the creditors who have not already proved their debts, are to come prepared

prepared to prove the ſame, and vote in ſuch choice accordingly.

Superſedeas.

Superſedeas. Whereas a commiſſion of bankrupt, bearing date on or about the day of *June* 1780, was awarded and iſſued againſt *John Thomas*, of, &c. This is to give notice, that the ſaid commiſſion is, under the great ſeal of *Great Britain*, ſuperſeded.

Petitions.

The Creditors Petition to the Great Seal for a Commiſſion of Bankrupt.

To the Right honourable *Edward* Lord *Thurlow*, Baron *Thurlow* of *Aſhfield* in the county of *Suffolk*, Lord High Chancellor of *Great Britain*.

In all humble manner complaining, ſheweth unto your lordſhip, your orator, *Thomas Abel*, of, &c. as well for himſelf as for all other the creditors of *John Wilſon*, of, &c. That whereas the ſaid *John Wilſon*, uſing and exerciſing the trade of a merchant, dealer and chapman, by way of bargaining, exchange, bartering, and cheviſance, ſeeking his trade of living by buying and ſelling, upon juſt and good cauſes, for wares and merchandiſes to him

him ſold and delivered, and alſo for ready money to him lent, being indebted unto your orator in the ſum of 100*l.* and upwards, of late (that is to ſay) about the month of laſt paſt, did become bankrupt within the ſeveral ſtatutes made againſt bankrupts, to the intent to defraud and hinder the ſaid orator, and other his creditors, of their juſt debts and duties to them due and owing, (that is to ſay) within the ſtatute made in the parliament begun and holden at *Weſtminſter*, the ſecond day of *April*, in the 13th year of the reign of *Elizabeth* late queen of *England*, concerning bankrupts, and within the ſtatute made in the parliament begun and holden at *Weſtminſter* aforeſaid, the 19th of *March*, in the firſt year of the reign of the late king *James* the firſt of *England*, *France*, and *Ireland*, and of *Scotland* the ſeven-and-thirtieth, intituled "An act for "the better relief of creditors againſt ſuch as "ſhall become bankrupts;" and alſo within the ſtatute made in the parliament begun and holden at *Weſtminſter*, the 2d day of *April*, in the 13th year of the reign of *Elizabeth*, late queen of *England*, concerning bankrupts, and within the ſtatute made in the parliament begun and holden at *Weſtminſter* aforeſaid, the 19th of *March*, in the firſt year of the reign of the late king *James* the firſt of *England*, *France*, and *Ireland*, and of *Scotland* the ſeven-and-thirtieth, intituled "An act for the further deſcription of a "bankrupt, and relief of creditors againſt ſuch as "ſhall become bankrupt, and for inflicting corporal "puniſhment upon the bankrupt in ſome ſpecial "caſes," and alſo within the ſtatute made in the fifth year of the reign of his late Majeſty king

George the ſecond, intituled "An act to prevent the "committing of frauds by bankrupts," or within ſome or one of them. In tender conſideration whereof, may it pleaſe your lordſhip to grant unto your orator his Majeſty's moſt gracious commiſſion, to be directed to ſuch and ſo many wiſe, honeſt, and diſcreet perſons as to your lordſhip ſhall ſeem meet, authorizing them thereby not only concerning the ſaid bankrupt, his body, lands, tenements, freehold and cuſtomary, goods, debts, and other things whatſoever, but alſo concerning all other perſons who by concealment, claim, or otherwiſe, do or ſhall offend touching the premiſes, or any part thereof, contrary to the true intent and meaning of the ſaid ſtatutes, to do and execute all and every thing and things whatſoever, as well for and towards ſatisfaction and payment of the ſaid creditors, as towards and for all other intents and purpoſes according to the ordinance and proviſion of the ſaid ſtatutes in force concerning bankrupts.

And your orator ſhall ever pray, and ſo forth.

day of 1784.

Let a commiſſion of bankrupt iſſue as prayed, and be directed to

William Bumpſtead,
Henry Hunter,
Henry Ruſſel,
Henry Cowper, Eſquires,
Richard Hargrave, Gentleman,

} *Hindley*, Deputy.

Thurlow, C.

A Pe-

A Petition for altering the Teſte of a Commiſſion, and for re-ſealing the ſame.

In the matter of *Joſ. Philips* a Bankrupt.

The humble petition of *T. W.* and *J. H.* of, &c. Warehouſemen and partners;

Note, it is ſaid not to be the practice now to re-ſeal a commiſſion upon this allegation.

Sheweth,

That on the 18th day of *Auguſt* laſt a commiſſion of bankrupt under the great ſeal of *Great Britain*, was awarded and iſſued againſt the ſaid *Joſeph Philips*, of *Aldgate-ſtreet*, *London*, linen-draper, and dealer and chapman, upon the application of your petitioners.

That no proceedings have been had under the ſaid commiſſion, ſave only, that the major part of the commiſſioners therein named met once, and took the oath to qualify themſelves to put the ſaid commiſſion into execution, and then examined two witneſſes to prove the trading of the ſaid *Joſeph Philips*, and an act of bankruptcy committed by him. But the ſaid commiſſioners did not find the ſaid *Joſeph Philips* a bankrupt for want of ſufficient proof.

That no debts have been proved under the ſaid commiſſion, except your petitioners ſaid debt, as by affidavit annexed appears.

That your petitioners are now fully prepared to prove an act of bankruptcy againſt the ſaid *Joſeph Philips*.

Your petitioners therefore humbly pray your lordſhip, that the teſte of the ſaid commiſſion may be altered to the day of *Auguſt* laſt. And that after ſuch alteration the ſaid commiſſion may be re-ſealed.

And your petitioners ſhall, &c.

Petition by a Creditor for a Commiſſion, where a former Commiſſion is not proceeded in.

In the matter of *Samuel Hart*, againſt whom a commiſſion of bankrupt hath been awarded and iſſued.

To the right honourable the Lord High Chancellor of *Great Britain*.

The humble petition of *James Thomas*;

Sheweth,

That a commiſſion of bankrupt under the great ſeal of *Great Britain* was awarded and iſſued againſt the ſaid *Samuel Hart*, on the petition of *William Ogilvy*, of directed to certain commiſſioners therein named, to execute the ſame.

That your petitioner hath cauſed the *London Gazette* to be ſearched from the ſaid day of to the day of inclusive, being days, as by the affidavit

§

affidavit of hereunto annexed, appears, and doth not find that the ſaid *Samuel Hart* hath been declared a bankrupt in any of ſuch Gazettes.

That your petitioner hath made an affidavit that the ſaid *Samuel Hart* is juſtly and truly indebted unto him in the ſum of one hundred pounds and upwards, and is ready to enter into the uſual bond to your lordſhip, to ground a commiſſion of bankrupt againſt the ſaid *Samuel Hart*, which your petitioner hereby undertakes to proſecute with effect, for the benefit of himſelf and the reſt of the creditors of the ſaid *Samuel Hart*.

Your petitioner therefore moſt humbly prays, that your lordſhip will be pleaſed to order the commiſſion of bankrupt ſo awarded and iſſued againſt the ſaid *Samuel Hart* to be forthwith ſuperſeded, and that a writ of ſuperſedeas may iſſue for that purpoſe, and that a new commiſſion may iſſue againſt the ſaid *Samuel Hart*, upon the petition of your petitioner.

And your petitioner ſhall ever pray, &c.

Petition for a renewed Commiſſion.

In the matter of a bankrupt.

To the right honourable the lord high chancellor of *Great Britain*.

The humble petition of creditor of the ſaid a bankrupt;

Sheweth,

That a commiſſion of bankrupt under the great ſeal of *Great Britain* was awarded and iſſued againſt the ſaid bearing date the day of in the year of the reign of his Majeſty king *George* the third, directed to whereupon the ſaid was duly declared bankrupt, and ſeveral proceedings have been had under and by virtue of the ſaid commiſſion.

That three of the ſaid commiſſioners, are ſince dead, by reaſon whereof the ſaid commiſſion cannot be further proceeded in, without being renewed.

Your petitioner therefore humbly prays your lordſhip, that the ſaid commiſſion may be renewed.

And your petitioner ſhall ever pray, &c.

Petition to enlarge the time for the Bankrupt's ſurrender.

In the matter of *John Thomas*, a bankrupt.

To the right honourable the lord high chancellor of *Great Britain*.

The humble petition of *John Thomas*, bankrupt;

Sheweth,

That a commiſſion of bankrupt, under the great ſeal of *Great Britain*, bearing date at *Weſtminſter*

the 4th day of *May* laſt, upon the petition of *Thomas Hopkins*, of *Yarmouth*, in the county of, &c. mercer, was awarded and iſſued againſt your petitioner, by the name and deſcription of *John Thomas*, of the city of *London*, merchant; which commiſſion was directed to *William Bumpſtead*, *Henry Hunter*, *Henry Ruſſel*, and *Henry Cowper*, Eſquires, and *Richard Hargrave*, Gentleman, as commiſſioners to execute the ſame.

That your petitioner hath been duly declared bankrupt by the major part of the ſaid commiſſioners, in and by the ſaid commiſſion named and authoriſed, and by ſummons under their hands, and alſo by notice in the *London Gazette* of *Tueſday* the 6th day of *May* 1780, was required to ſurrender himſelf to the ſaid commiſſioners, or the major part of them, at *Guildhall*, *London*, to be examined by them on the 10th and 20th days of the ſaid month of *June* reſpectively, at eleven of the clock in the forenoon, on each of the ſaid days, touching the diſcloſure and diſcovery of his eſtate and effects; and on the 5th day of *July* next your petitioner was, by ſuch ſummons and notice, required to finiſh his examination under the ſaid commiſſion.

That your petitioner did ſurrender himſelf to the ſaid commiſſioners on the ſaid 10th and 20th days of *June* laſt, and ſubmitted to be examined touching the diſcloſure and diſcovery of his eſtate and effects, and conformed himſelf to the ſeveral acts of parliament made, and now in force concerning bankrupts.

That your petitioner is preparing and ſettling his affairs, in order to make a full and true diſcloſure

and diſcovery of all his eſtate and effects; but your petitioner finds his accounts ſo very long, intricate, and perplexed, that he cannot poſſibly finiſh the ſame by the time limited by the ſaid commiſſioners ſummons and notice reſpectively for that purpoſe.

Your petitioner, therefore, moſt humbly prays that your lordſhip would be pleaſed to order, that the time for your petitioner's ſurrendering himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, and for fully diſcloſing and diſcovering his eſtate and effects, and finiſhing his laſt examination under the ſaid commiſſion, as the law in ſuch caſes requires, be enlarged for the ſpace of *forty-nine* days, to be computed from the ſaid 5th day of *July* 1780.

And your petitioner ſhall ever pray, &c.

June, 1780.

Be it as prayed, hereof giving notice to the commiſſioners forthwith.

Thurlow, C.

Another

Another Petition for the ſame purpoſe by the Aſſignees.

In the matter of *John Thomas*, bankrupt.

To the right honourable, &c. [*as in the other petition.*]

The humble petition of *Thomas Hopkins* and *Robert Simpſon*, Aſſignees of the Eſtate and Effects of the ſaid bankrupt;

Sheweth,

That a commiſſion of bankrupt, under the great ſeal of *Great Britain*, bearing date at *Weſtminſter*, the day of *May* laſt, upon the petition of *Samuel Hart*, of *High Holborn*, in the county of *Middleſex*, grocer, was awarded and iſſued againſt *John Thomas*, of the city of *London*, merchant, which commiſſion was directed to *William Bumpſtead*, *Henry Hunter*, *Henry Ruſſel*, *Henry Cowper*, Eſquires, and *Richard Hargrave*, Gentleman, as commiſſioners to execute the ſame.

That the ſaid *John Thomas* hath been declared bankrupt, by the major part of the ſaid commiſſioners acting under the ſaid commiſſion, and by ſummons under their hands, and alſo by notice in the *London Gazette* on *Tueſday* the day of *May* 1780, was required to ſurrender himſelf to the ſaid commiſſioners, or the major part of them, at *Guildhall*, *London*, to be examined by them on the 10th and 20th days of the ſaid month of *June* reſpectively, at four of the clock in the afternoon, on each of the ſaid days, touching the diſcloſure and diſcovery of his eſtate and effects; and on the 5th day of *June* laſt, the ſaid bankrupt was, by ſuch ſummons

ſummons and notice, required to finiſh his examination under the ſaid commiſſion.

That the ſaid bankrupt hath not yet ſurrendered himſelf to the commiſſioners in the ſaid commiſſion named, or to the major part of them, at the ſaid two firſt ſittings already had under the ſaid commiſſion, or at either of them, and the ſaid bankrupt is now at *Paris*, in the kingdom of *France*, and intends to ſurrender himſelf to the ſaid commiſſion, as your petitioners are informed, but will not be able to arrive in *London* by the 5th day of *July*.

Or thus:

That your petitioners have been duly choſen aſſignees of the eſtate and effects of the ſaid bankrupt, and find that the ſaid bankrupt is in an ill ſtate of health, and a priſoner in the *Fleet*, and is not prepared to finiſh his examination in the time limited for that purpoſe, in the manner preſcribed by the act of parliament in that caſe made and provided; therefore hath not as yet ſurrendered himſelf to the ſaid commiſſioners, which he purpoſes to do, as your petitioners are informed, as ſoon as his ſaid examination can be prepared.

In caſe the bankrupt hath already had time, but not the full *forty-nine* days, then you ſet forth the commiſſion, the commiſſioners declaration of the bankruptcy, the terms for ſurrender, (as before) and then the laſt order for time thus:

That the ſaid bankrupt being then in an ill ſtate of health, and a priſoner in the *Fleet*, and not being then prepared to finiſh his examination; your petitioners,

titioners, who have been duly choſen aſſignees of the ſaid bankrupt's eſtate and effects, on the day of laſt, preferred their petition to your lordſhip, and obtained an order thereon, for *forty* days further time, to be computed from the day of for the ſaid bankrupt to ſurrender himſelf, and finiſh his examination.

That your petitioners find that the ſaid bankrupt, by reaſon of his ill ſtate of health as aforeſaid, hath not been able to prepare and complete his examination, and in as much as the time granted by your lordſhip, for the ſaid bankrupt to finiſh his examination, will expire on the day of next;

Your petitioners therefore moſt humbly pray your lordſhip, that the time for the ſaid bankrupt's ſurrendering himſelf, and diſcloſing his eſtate and effects to the acting commiſſioners in the ſaid commiſſion named and authoriſed, and for his finiſhing his examination before them, may be further enlarged for the ſpace of ten days, to be computed from the ſaid day

day of 1780.

Let the time for the ſaid *John Thomas*, the bankrupt, ſurrendering himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, and for diſcloſing and diſcovering his eſtate and effects, and finiſhing his examination before them, be further enlarged for the ſpace of ten days, to be computed from the day of next: hereof

hereof give notice to the day of next commiſſioners forthwith. And your petitioners
Thurlow, C. ſhall ever pray, &c.

Notice muſt be given of the order for enlargement to the commiſſioners, by perſonally delivering, or leaving at their places of abode, a copy of the petition and order, which muſt be alſo inſerted in the *Gazette*.

Affidavit of the Service of a Petition.

In the matter of *John Thomas*, bankrupt.

John Knight, of &c. gentleman, maketh oath, that he this deponent did, on the day of ſerve *William Bumpſtead*, *Henry Hunter*, and *Henry Ruſſell*, Eſquires, with a petition preferred by *Thomas Hopkins* and *Robert Simpſon*, aſſignees of the eſtate and effects of the ſaid *John Thomas*, the bankrupt in this matter, to the right honourable the lord high chancellor of *Great Britain*, with his lordſhip's order thereon, bearing date the day of the ſaid month of whereby it was ordered, that the time for the ſaid *John Thomas* the bankrupt ſurrendering himſelf to the commiſſioners, in the ſaid commiſſion named, or the major part of them, and diſcloſing and diſcovering his eſtate and effects, and finiſhing his laſt examination, be further enlarged for the ſpace of ten days, to be computed from the day of next, in manner

manner following; that is to ſay, by perſonally delivering to the ſaid *William Bumpſtead*, *Henry Hunter*, and *Henry Ruſſell*, reſpectively, a true copy of the ſaid petition, and order thereon; and at the ſame time ſhewing them reſpectively the ſaid original petition and order thereon. And this deponent further ſaith, that the ſaid *William Bumpſtead*, *Henry Hunter*, and *Henry Ruſſel*, are the acting commiſſioners under the ſaid commiſſion, as this deponent hath been informed, and believes.

Sworn at the public office in *Symond's Inn*, this day of before me

John Knight.

Petition for Bankrupt's being examined before the Commiſſioners, on the ſpecial circumſtances of his caſe, after the expiration of the forty-two days, though he had not ſurrendered, or procured any enlargement of time; with the Order thereon.

In the matter of *John Thomas*, a bankrupt.

To the right honourable, &c.

The humble petition of the ſaid *John Thomas*;

Sheweth,

That a commiſſion of bankrupt, bearing date at *Weſtminſter* the day of 1780, was

was awarded and iſſued againſt your petitioner, then of the pariſh of in the county of dealer and chapman, on the application of *A. B.* and *C. D.* then of the pariſh of aforeſaid, and partners, your petitioner's creditors, and was directed to certain commiſſioners therein named, the major part of whom declared your petitioner a bankrupt.

That by the commiſſioners ſummons, and alſo by notice inſerted in the *London Gazette*, of the day of 17 your petitioner was required to ſurrender himſelf before the major part of the commiſſioners acting under the ſaid commiſſion, on the and days of then next, in order to be examined from time to time touching the diſcloſure and diſcovery of his eſtate and effects, and on the day of then next following, your petitioner was, by ſuch ſummons and notice, to finiſh his examination under the ſaid commiſſion.

That ſuch commiſſion of bankrupt was ſo taken out againſt your petitioner, without his knowledge or privity, and that previous to the iſſuing of the ſame, your petitioner being in inſolvent circumſtances, and being arreſted at the ſuit of a creditor, for the ſum of ten pounds or thereabouts, and your petitioner being afraid that, unleſs he raiſed the money to pay and diſcharge the ſame, he ſhould be detained for larger debts, your petitioner with great difficulty raiſed money ſufficient to pay and diſcharge the ſame, and immediately upon getting diſcharged from ſuch arreſt, and for fear of being again arreſted for larger debts, and put into gaol, your

your petitioner, on or about the day of abſconded, and went away from his dwelling-houſe, in the pariſh of aforeſaid, and left his wife and family there, and went over to *Calais*, in the kingdom of *France*, where he arrived on or about the day of the ſame month of but your petitioner did not take any money, goods, or other effects whatſoever, with him to *Calais* aforeſaid, ſave and except the ſum of two guineas, or thereabouts.

That upon your petitioner's ſo leaving his ſaid place of abode in *London*, as aforeſaid, he gave orders and directions to his wife to come after him.

That your petitioner's ſaid wife and family did, in purſuance of ſuch directions from your petitioner as aforeſaid, leave his ſaid houſe the day after your petitioner departed from thence, and came to your petitioner at *Dover*, and your petitioner and his ſaid wife and child went from *Dover* to *Calais*, and from thence to *St. Omer's* in *French Flanders*, where they ſtayed for about three months.

That about two months after your petitioner arrived at *St. Omer's*, as aforeſaid, he received a letter from a friend in *London*, informing him that a commiſſion of bankrupt was iſſued againſt him; but your petitioner not taking with him more than two or three guineas when he left his ſaid dwelling-houſe in *London* as aforeſaid, and having contracted ſeveral debts at *St. Omer's*, for the neceſſary ſubſiſtence of himſelf and family, was rendered, on account thereof, incapable of coming away from thence, until he had paid and ſatisfied the ſame, and not

not having wherewith ſo to do, your petitioner was obliged to beg and crave the charitable aſſiſtance of perſons there to aid and aſſiſt him therein, which with great difficulty he procured, and immediately ſet out for *England*, and upon coming to *Calais*, and ſending for a Gazette, to his great ſurpriſe found, that the day appointed for his laſt examination (to wit) the day of was elapſed, and had expired ſeveral days, notwithſtanding which your petitioner ſet out, and came over to *England*, and begged his way up to *London*, where he arrived in or about the beginning of the month of 17

That your petitioner, upon his arrival in *England*, made many applications to the aſſignees and creditors under the ſaid commiſſion, acquainting them of the circumſtances of your petitioner's caſe, and that he was ready and willing to ſubmit to the commiſſion, and conform himſelf thereto, ſome of whom were and ſtill are willing to relieve your petitioner, if poſſible, from the pains and penalties he may be ſubject to, for not ſurrendering to the ſaid commiſſioners in due time, and others are rigid, and threaten to proſecute your petitioner, notwithſtanding your petitioner hath been informed, and verily believes, that the clerk under the ſaid commiſſion propoſed to petition your lordſhip for further time to ſurrender to the ſaid commiſſion, but they would not give him their conſent thereto, which if they had, your petitioner would have been in *England* in due time.

That your petitioner is now deſirous, not only of ſurrendering himſelf, and of being examined as the acting

acting commiſſioners ſhall think fit, but he is alſo willing to ſubmit himſelf, and to finiſh his examination, before the acting commiſſioners, whenever they ſhall think fit to fix and appoint a meeting for that purpoſe.

Your petitioner therefore moſt humbly prays your lordſhip, that you would be pleaſed to order the major part of the commiſſioners named in the ſaid commiſſion forthwith to appoint one or more meetings, at ſuch times and place as they ſhall think proper, for your petitioner to appear and ſurrender himſelf before them, and to make a full diſcloſure and diſcovery of his eſtate and effects, and alſo to finiſh his examination under the ſaid commiſſion, and to order ſaid commiſſioners to cauſe due notice of ſuch meeting or meetings to be given in the *London Gazette*, that ſuch of your petitioner's creditors, as ſhall think proper, may be preſent at your petitioner's examination, and that your lordſhip would be pleaſed to direct the commiſſioners to enter on their proceedings an account of the cauſe which prevented your petitioner from ſurrendering himſelf and finiſhing his examination, within ſuch time as he ought to have finiſhed the ſame, or that your lordſhip will be

pleaſed to make ſuch order in this matter, for your petitioner's relief, as to your lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Order thereon.

Lord Chancellor in the matter, &c.

After reciting the above petition, the order goes on thus: Whereupon all parties concerned were ordered to attend me on the matter of the ſaid petition, and counſel for the petitioner, and of one of the aſſignees under the ſaid commiſſion, this day attending accordingly: Now upon hearing the ſaid petition and ſeveral affidavits read, and what was alledged on both ſides (no perſon attending on the behalf of the other aſſignee, although he was duly ſerved with the ſaid petition, and my order thereon, as by the affidavit of appears,) I do order, that the major part of the commiſſioners named in the ſame commiſſion, ſhall cauſe due notice to be forthwith given in the *London Gazette*, appointing a time for the ſaid *John Thomas*, the petitioner, to ſurrender himſelf to the commiſſioners, in the ſaid commiſſion named, or the major part of them, at the *Guildhall* of the city of *London*, in order to his being examined, touching the diſcloſure and diſcovery of his eſtate and effects, and to finiſh his examination under the

ſaid commiſſion; and any of the creditors of the ſaid *John Thomas*, the petitioner, as ſhall think proper, are to be preſent at his examination, and to object to the diſcloſure and diſcovery of his eſtate and effects. And I do order, that the ſaid commiſſioners ſhall enter in their proceedings under the ſaid commiſſion, an account of the accident that prevented the petitioner, *John Thomas*, from finiſhing his examination before them, within ſuch time as he ought to have finiſhed the ſame, and the ſaid commiſſioners are to take ſuch examination in purſuance of this order.

Petition for diſcharging Bankrupt out of Cuſtody, Plaintiff at Law becoming petitioning Creditor.

In the matter of *John Thomas*, bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of the ſaid bankrupt;

Sheweth,

That on or about the day of now laſt paſt, your petitioner was taken into cuſtody at the ſuit of *George Thompſon*, of, &c. for the ſum of by virtue of returnable

That before the return of the ſaid writ, a commiſſion of bankrupt was awarded and iſſued under

the great ſeal againſt your petitioner, on the ſole petition of the ſaid *George Thompſon*.

That it appears to your petitioner, by a ſummons under the reſpective hands-writing of the major part of the commiſſioners, in and by the ſaid commiſſion named and authoriſed, with a copy whereof your petitioner hath been perſonally ſerved, that he was found and declared bankrupt.

Your petitioner, therefore, moſt humbly prays, that your Lordſhip will be pleaſed to order him to be diſcharged out of cuſtody, at the ſuit of the ſaid *George Thompſon*, and at his expence, and that Mr. *John Knight*, clerk to the ſaid commiſſion, be ordered to attend your lordſhip with the ſaid commiſſion, on the hearing of this petition.

And your petitioner ſhall ever pray, &c.

Petition for diſtinct Accounts of ſeparate Eſtate.

In the matter of *Thomas Johnſon* and *John Johnſon*, bankrupts.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of *William Whitaker*, of on behalf of himſelf and the reſt of the ſeparate creditors of the ſaid *Thomas Johnſon* and *John Johnſon*;

Sheweth,

That on or about the 3d of *March* laſt, a joint commiſſion of bankrupt under the great ſeal of *Great Britain*, was awarded and iſſued againſt the ſaid *Thomas Johnſon* and *John Johnſon*, as co-partners in trade, and they were thereupon duly found and declared bankrupts, and the uſual aſſignment made of their eſtate and effects, as well joint as ſeparate, to *Edward Hawkins* and *Thomas Wilkinſon*, the aſſignees under the ſaid commiſſion.

That the ſaid *Thomas Johnſon* and *John Johnſon*, againſt whom the ſaid joint commiſſion of bankrupt hath iſſued, were, before the date and ſuing forth of the ſaid commiſſion, and ſtill are, juſtly and truly indebted to the petitioner on their reſpective ſeparate accounts, that is to ſay, the ſaid *Thomas Johnſon* in the ſum of or thereabouts,

abouts, and the ſaid *John Johnſon* in the ſum of or thereabouts, for money lent and advanced by your petitioner to the ſaid bankrupts reſpectively.

That the ſaid bankrupts, at the time of the iſſuing of the ſaid commiſſion, were reſpectively poſſeſſed of, or otherwiſe well entitled to conſiderable eſtates and effects in their own right, and your petitioner is adviſed that ſuch ſeparate eſtates and effects are firſt liable to payment of the ſeveral reſpective debts of the ſaid bankrupts.

That your petitioner, and the other ſeparate creditors of the ſaid bankrupts reſpectively, cannot be admitted to prove their ſeveral and reſpective ſeparate debts under the ſaid joint commiſſion, without your Lordſhip's order for that purpoſe.

Your petitioner therefore humbly prays, that your petitioner, and the reſt of the ſeparate creditors of the ſaid bankrupts, may be at liberty to prove their reſpective ſeparate debts under the ſaid joint commiſſion, and that it may be referred to the major part of the commiſſioners in the ſaid commiſſion named, to take diſtinct accounts of the ſeparate eſtates of the ſaid bankrupts reſpectively, for the benefit of their ſaid ſeveral and reſpective ſeparate creditors, and that the coſts of this application, and taking ſuch accounts, be paid and borne out of the reſpective ſeparate eſtates of the ſaid bankrupts, or that your Lordſhip would make ſuch

ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

A ſeparate creditor of one of the bankrupts may apply for and obtain an order for a diſtinct account of his debtor's ſeparate eſtate, in which the allegation of ſeparate debts and ſeparate fund is confined to that bankrupt, as well as the prayer for the account.

To ſupport this petition there ſhould be an affidavit of the debt, and the lords commiſſioners required an affidavit that there are ſeparate effects, unleſs the aſſignees appear and conſent to the order; and if the aſſignees do not appear, there muſt alſo be an affidavit of ſervice. See the order of the 8th March 1794.

Petition of Executors of a ſeparate Creditor, on behalf of themſelves and all other the ſeparate Creditors, for liberty to prove under joint Commiſſion.

In the matter of *William Holyland* and *Joſeph Broughton*, Bankrupts.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of *M. K.* and *M. E.* executors of the laſt will and teſtament of *C. H.*

late of, &c. deceaſed, on behalf of themſelves and all the ſeparate creditors of the ſaid bankrupts;

Sheweth,

That a commiſſion of bankrupt under the great ſeal of *Great Britain* hath been awarded and iſſued againſt the ſaid *William Holyland* and *Joſeph Broughton*, and they have been declared bankrupts thereupon, and aſſignees have been duly choſen under the ſaid commiſſion, and an aſſignment of the ſaid bankrupts eſtate and effects executed to them by the major part of the commiſſioners named and authoriſed in and by the ſaid commiſſion; and by virtue thereof the ſaid aſſignees have poſſeſſed themſelves of all the joint and ſeparate eſtates of both the ſaid bankrupts.

That the ſaid *William Holyland*, one of the ſaid bankrupts, was before the date and ſuing forth of the ſaid commiſſion juſtly and truly indebted unto the ſaid *C. H.* in his life-time, and ſtill is juſtly and truly indebted unto your petitioners as executors of the ſaid *C. H.* for money lent by the ſaid *C. H.* to the ſaid *William Holyland* upon his promiſſory note of hand bearing date on or about the 24th day of *December* 1768, whereby the ſaid *William Holyland* promiſed to pay to the ſaid *C. H.* or order, the ſaid ſum of 200*l.*

That the ſaid *Joſeph Broughton*, the other of the ſaid bankrupts, was before the date and ſuing forth of the ſaid commiſſion, and ſtill is, juſtly and truly indebted to the other bankrupt *William Holyland* in the ſum of 518*l.* 4*s.* 4*d.* upon his the ſaid *Joſeph*

Broughton's promiſſory note of hand, bearing date the 31ſt day of *December* 1768, whereby he promiſed on demand to pay to the ſaid *William Holyland*, or order, the ſaid 518*l.* 4*s.* 4*d.* and which note was afterwards duly endorſed by the ſaid *William Holyland*, as a further ſecurity for the payment of the ſaid 200*l.* ſo advanced and lent to him by the ſaid *C. H.* as aforeſaid.

That the ſaid *C. H.* is ſince dead, having firſt duly made and publiſhed his laſt will and teſtament in writing, and thereof appointed your petitioners joint executors, who have ſince duly proved the ſame, and thereby taken upon themſelves the execution thereof.

That your petitioners have applied to the acting commiſſioners named in the ſaid commiſſion to be admitted creditors for the ſaid debt of 200*l.* and to prove the ſame under the ſaid commiſſion, but for as much as the ſame is a joint commiſſion, the ſaid commiſſioners have refuſed to let your petitioners come in and prove their ſaid debt under the ſame.

That the ſaid bankrupts have finiſhed their examination, and therein have diſtinguiſhed the joint and ſeparate eſtates of each of them from the other.

That the aſſignees choſen under the ſaid commiſſion have proceeded to make a dividend of the eſtate and effects of the ſaid bankrupts to ſuch of the ſaid bankrupts creditors as have already proved their debts and ſought relief under the ſaid commiſſion, and are now preparing to make a further and final dividend of the ſaid bankrupts eſtate and effects ſince got in and received by them, to and amongſt their ſaid joint creditors; by means whereof the whole

whole of each of the ſaid bankrupts ſeparate eſtates will be applied towards ſatisfaction of their joint creditors. And your petitioners, and the reſt of the ſeparate creditors of each of the ſaid bankrupts, will be deprived of that benefit which they are entitled to receive from each of the ſaid bankrupt's ſeparate eſtates towards ſatisfaction of their reſpective debts, unleſs they ſhall be permitted to come in and prove their ſaid debts under the ſaid joint commiſſion.

Your petitioners therefore moſt humbly pray your lordſhip, that they and all other the ſeparate creditors as well of the ſaid *William Holyland*, as of the ſaid *Joſeph Broughton*, may be at liberty to come in and prove their reſpective debts under the ſaid joint commiſſion, and that the major part of the commiſſioners therein named and authoriſed may be directed by notice in the *London Gazette* to appoint a time and place for that purpoſe, and that the commiſſioners may take ſeparate accounts of the joint and ſeparate eſtates of the ſaid bankrupts come to the hands of the aſſignees or of any others by their order or for their uſe, and that they may diſtinguiſh the joint and ſeparate eſtates of each bankrupt from the other, and that what on ſuch account ſhall appear to belong to each of the ſaid bankrupt's

rupt's ſeparate eſtates, may be applied by the aſſignees in the firſt place towards ſatisfaction of the ſeparate creditors of the ſaid bankrupts reſpectively, and that in caſe there ſhall be any ſurplus of the joint eſtate, after all the joint creditors ſhall be paid their whole demands, then that ſuch ſurplus may be divided into equal moieties and carried to the ſeparate eſtates of each of the ſaid bankrupts, and be applied towards ſatisfying their reſpective ſeparate creditors, and that your petitioners may ſtand in the place of the ſaid *William Holyland*, and be admitted creditors of the ſeparate eſtate of the ſaid *Joſeph Broughton*, for the ſaid promiſſory note of 518 *l.* 4 *s.* 4 *d.* and may be paid a proportionable dividend with the reſt of the ſaid *Joſeph Broughton*'s ſeparate creditors, in reſpect of the ſaid note, towards ſatisfaction of their aforeſaid debt of 200 *l.* And that the coſts of this application may be paid to your petitioners by the ſaid aſſignees out of the ſaid bankrupts reſpective ſeparate eſtates.

And your petitioners ſhall ever pray, &c.

Petition

Petition on the Behalf of the Bankrupt, that a Creditor may elect to proceed at Law, or abide by the Commiſſion.

In the matter of *Miles Barber*, a bankrupt, as partner with *James Kendall* and *Andrew White*.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of the bankrupt;

Sheweth,

That a commiſſion of bankrupt was awarded and iſſued againſt your petitioner, by the name and deſcription of *Miles Barber*, late of *Liverpool*, in the county of *Lancaſter*, merchant, dealer and chapman, partner with *James Kendall* and *Andrew White*, of *Liverpool*, in the ſaid county of *Lancaſter*, merchants, dealers, and chapmen, bearing date at *Weſtminſter* the firſt day of *October*, one thouſand ſeven hundred and ſeventy ſeven, directed to *Thomas Hotchkin*, *Edward Wilmot*, and *Michael Dodſon*, Eſquires, and *John Elderton* and *Robert Fry*, gentlemen. And your petitioner was duly found and declared a bankrupt.

That *Samuel Hartley*, *James Simpſon*, *Thomas Greg*, and *Thomas Bell*, were duly choſen aſſignees of the eſtate and effects of your petitioner, as partners as aforeſaid, at a meeting of the creditors, held in purſuance

ſuance of an advertiſement in the *London Gazette* for that purpoſe; and that an aſſignment of the eſtate and effects of your petitioner, and the ſaid *James Kendall* and *Andrew White*, hath been duly made and executed unto the ſaid *Samuel Hartley*, *James Simpſon*, *Thomas Greg*, and *Thomas Bell*, by the major part of the commiſſioners in the ſaid commiſſion named and authoriſed.

That *James Hargrave*, a creditor of your petitioner, and his ſaid partners *James Kendall* and *Andrew White*, proved under the ſaid commiſſion a debt of three hundred and thirty-nine pounds ſeven ſhillings and five-pence, as due from your petitioner, and his ſaid partners, unto him the ſaid *James Hargrave*, and hath been accordingly admitted a creditor under the ſaid commiſſion for that ſum.

That the ſaid *James Hargrave* commenced an action in the court of King's Bench againſt your petitioner and his ſaid partners, and hath held your petitioner to bail for the ſum of three hundred and thirty-nine pounds ſeven ſhillings and five-pence, and is proceeding to judgment and execution in ſuch action.

Your petitioner therefore humbly prays your lordſhip, that the ſaid *James Hargrave* may be directed to make his election within a time to be limited by your lordſhip, whether he will receive a dividend under the ſaid commiſſion, rateably and in proportion with the other creditors ſeeking relief under the ſame, or proceed at law againſt your petitioner, and his ſaid partners.

ners. And in caſe the ſaid *James Hargrave* ſhall elect to proceed at law againſt your petitioner and his ſaid partners, then that he may by your lordſhip's order be precluded and debarred receiving a dividend or dividends out of the eſtate and effects of your petitioner and his ſaid partners, in reſpect of ſuch debt. And that your petitioner may have ſuch further and other relief in the premiſes, as to your lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

An Order for a Creditor to elect.

Wedneſday the 21ſt day of *March* 1743,
in the matter of *William Caw*.

Lord Chancellor.

Whereas *William Caw*, late of *London*, inſurance-broker and chapman, a bankrupt, did, on the 13th day of *March* inſtant, prefer his petition to me, ſhewing that the petitioner being indebted to *Thomas Hebert*, of *London*, merchant, in 128*l.* 6*s.* 1*d.* the ſaid *Thomas Hebert* cauſed the petitioner to be arreſted for the ſame, and held to bail, and had proceeded to judgment. That the petitioner being alſo indebted to one *Savage Barrell*, of *London*, merchant, in 210*l.* the ſaid *Savage Barrell* had cauſed the

the petitioner alſo to be arreſted and held to bail, and had recovered judgment; that the petitioner becoming inſolvent, a commiſſion of bankrupt in *April* laſt iſſued againſt him, and the petitioner was thereupon declared a bankrupt. That the petitioner had in all things conformed himſelf to the directions of the ſeveral ſtatutes in force concerning bankrupts. That both the ſaid *Thomas Hebert* and *Savage Barrell* had proved their reſpective full debts under the ſaid commiſſion, but notwithſtanding they threatened to take out execution or otherwiſe proceed under the ſaid ſeveral actions againſt the petitioner, and the perſons who are bail in the ſaid actions intended to ſurrender the petitioner in their diſcharge, and therefore praying, that the ſaid *Thomas Hebert* and *Savage Barrell* might make their election within a certain time to be limited by me whether they would proceed againſt the petitioner at law, or take their relief under the ſaid commiſſion; whereupon all parties concerned were ordered to attend me on the matter of the ſaid petition: Now upon hearing the ſaid petition, and an affidavit read, and what was alledged by counſel for the petitioner, no perſon attending on the behalf of the ſaid *Thomas Hebert* and *Savage Barrell*, although they were ſeverally duly ſerved with the ſaid petition, and my order thereupon, as by affidavit appears, I do order that the ſaid *Thomas Hebert* and *Savage Barrell* do reſpectively make and file their elections within a fortnight after perſonal ſervice of this order on them reſpectively, whether they will proceed againſt the petitioner at law, or take their relief

relief under the ſaid commiſſion, and if they ſhall reſpectively elect to take their relief under the commiſſion, or ſhall neglect to make and file their elections within the time aforeſaid, in either of thoſe caſes, I do order that all further proceedings of the ſaid *Thomas Hebert* and *Savage Barrell* reſpectively, at law, againſt the petitioner be ſtayed; but if the ſaid *Thomas Hebert* and *Savage Barrell* reſpectively ſhall elect to proceed againſt the petitioner at law, then they are to receive no benefit under the ſaid commiſſion, but are nevertheleſs to be conſidered as creditors ſo far as to be reſpectively at liberty to aſſent to, or diſſent from, the petitioner's having his certificate under the ſaid commiſſion.

Hardwicke, C.

The election to be made in the margin of the order book.

I *A. B.* do hereby elect to take my relief under the commiſſion of bankrupt iſſued againſt *C. D.* Witneſs my hand, this day of 1773. *A. B.*

Witneſs *G. H.*

Petition

Petition for Sale of mortgaged Premiſſes.

In the matter of, &c.

See the order of the 8th March 1792.

To, &c.

The humble petition of, &c.

Sheweth,

That by indenture tripartite, bearing date the day of in the year of our Lord 1792, made between, &c. [ſtate the material parts of the mortgage deed.]

That your petitioner, at the time of the ſaid bankrupt's executing the ſaid indenture of mortgage, paid him the ſaid ſum of by a draft upon his banker, which was duly honoured.

That the ſaid ſum of or any part thereof, has not been repaid to your petitioner at the time ſpecified in the ſaid indenture of mortgage, or at any time ſince, and that there is now due for intereſt thereon the ſum of

That a commiſſion of bankrupt, bearing date the day of was awarded and iſſued againſt the ſaid and he was thereupon duly found and declared bankrupt.

That the ſaid mortgaged premiſſes are a very ſcanty and inſufficient ſecurity for the ſaid ſum of being the principal and intereſt now due on the ſaid mortgage.

Your petitioner therefore humbly prays your lordſhip that the ſaid

mortgaged premiſſes may be ſold before the major part of the commiſſioners in the ſaid commiſſion named, and that the money which ſhall ariſe from the ſale thereof may be paid to your petitioner in ſatisfaction of ſo much of the intereſt and principal of the ſaid mortgage debt, as the ſame will extend to ſatisfy, and that your petitioner may be at liberty to prove the remainder of the ſaid ſum of under the ſaid commiſſion, or that your lordſhip will be pleaſed to make ſuch other order in the premiſes as to your lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition of Creditors to prove their debts, and ſtay the Bankrupt's Certificate.

In the matter of *William Maſon*, a bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble Petition of, &c.

Sheweth,

That on or about the day of a commiſſion of bankrupt under the great ſeal of *Great*

Great Britain, was awarded and iſſued againſt the ſaid *William Maſon* of, &c. in the county of, &c. and divers proceedings were had thereupon, and a certificate of four parts in five in number and value of the creditors of the ſaid bankrupt, who have proved their debts under the ſaid commiſſion, has been ſigned by the ſaid creditors, and alſo by the acting commiſſioners in the ſaid commiſſion named, and the ſame now lies before your lordſhip for confirmation and allowance.

That your petitioners *Robert Bright* and *Henry Aſſop* are creditors of the ſaid bankrupt for the ſum of for goods ſold and delivered by them to the ſaid bankrupt before the date and ſuing forth of the ſaid commiſſion.

That the ſaid commiſſion was executed in the country, and your petitioners had no notice thereof until very lately, and have therefore been prevented from proving their debts under the ſame, and have had no opportunity of making an enquiry into the bankrupt's conduct, whether he has acted juſtly to his creditors.

That by your petitioners not having proved their debts as aforeſaid, the ſaid conſent of four-fifths in number and value of the ſaid bankrupt's creditors was obtained, which could not have been effected without your petitioners concurrence and conſent, had they been able to have proved their reſpective debts as aforeſaid.

Your petitioners therefore humbly pray that your Lordſhip will be pleaſed to grant an order for your

petitioners to be at liberty to call a meeting of the commiſſioners acting under the ſaid commiſſion ſo iſſued againſt the ſaid *William Maſon*, in order that your petitioners may prove their reſpective debts under the ſame, and that in the mean time the allowance and confirmation of the ſaid bankrupt's certificate may be ſtayed, and that your petitioners may be at liberty to aſſent to, or diſſent from, the allowance of the ſaid bankrupt's certificate, and for that purpoſe that the ſaid certificate may be ſent back to the commiſſioners in the ſaid commiſſion named to re-certify unto your lordſhip.

And your petitioners will ever pray, &c.

Petition to be admitted to prove Debts for the purpoſe of aſſenting to or diſſenting from the Bankrupt's Certificate.

In Chancery. In the matter of *Richardſon Bower* and *George Langton*, bankrupts.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of *Peter Rigby* and *Edmund Rigby*, both of *Liverpool* in the county of *Lancaſter*,

ter, Eſqrs. *William Hope*, *Peter Hope*, *Thomas Cropper*, and *Thomas Carter*, all of the ſame place, drapers; *Thomas Earl*, *William Earl*, and *Edward Molyneux*, all of the ſame place, merchants; *Charles Pole* and *Henry Gardner*, both of the ſame place, merchants; *John Parr* and *Cobham Richardſon*, both of the ſame place, brewers; *William Bramwell* and *Samuel Warren*, both of the ſame place, brewers; *Thomas Clay*, of the ſame place, ironmonger; and *Edward Lowe*, of the ſame place, cabinet maker, creditors of the above-named *George Langton*;

Sheweth,

That on or about the 7th day of *January* laſt, a commiſſion of bankrupt, under the great ſeal of *Great Britain*, was awarded and iſſued againſt the ſaid *George Langton*, by the deſcription of *George Langton* of *Liverpool*, in the county of *Lancaſter*, merchant, factor, grocer, dealer, and chapman, under which he was found and declared a bankrupt.

That the ſaid *George Langton* at the time of his ſo becoming bankrupt was, and ſtill is, juſtly and truly indebted unto your petitioners in divers large ſums of money, amounting in the whole to the ſum of three thouſand one hundred and ſixty-one pounds, four ſhillings and nine-pence half-penny.

That all your petitioners, except the ſaid *William Hope* and *Peter Hope*, have proved their reſpective debts under the ſaid commiſſion.

That ſoon after the iſſuing of the ſaid commiſſion a meeting of the creditors of the ſaid *George*

Langton was called, in order to conſider whether the ſaid commiſſion ſhould be ſuperſeded; and at ſuch meeting a conſiderable number of the creditors attended, when it was unanimouſly reſolved that the ſaid commiſſion ſhould be proſecuted.

That at the ſame meeting it was propoſed, that if the brother of the ſaid *George Langton*, who reſides in *North America*, and has the chief part of the bankrupt's effects in his own hands, ſhould make remittances to the aſſignees, and the ſaid *George Langton* the bankrupt ſhould exert himſelf for the benefit of his creditors, and act to the ſatisfaction of the aſſignees under the ſaid commiſſion, that the creditors then preſent would not only ſign the bankrupt's certificate, but recommend it to the other creditors alſo to ſign ſuch certificate, and agree that the ſaid bankrupt ſhould be allowed (as an encouragement to do his duty) double the ſum that is allowed by act of parliament to bankrupts conforming to the law, or a motion or propoſal to that effect was made and agreed to at the ſaid meeting.

That ſince the ſaid meeting another commiſſion of bankrupt, bearing date on the 28th day of *February* laſt, hath been awarded and iſſued againſt *Richardſon Bower*, and the ſaid *George Langton*, by the deſcription of *Richardſon Bower* and *George Langton*, both of *Liverpool*, in the county of *Lancaſter*, grocers and co-partners, and under which they have been declared bankrupts.

That your petitioners have been informed and believe that the debts proved under the ſaid laſt mentioned commiſſion are of a very inconſiderable amount,

amount, in compariſon to thoſe proved under the firſt mentioned commiſſion.

That your petitioners find by an advertiſement in the *London Gazette*, of the 7th day of *May* inſt. that the certificate of conformity of the ſaid *George Langton* and *Richardſon Bower*, under the commiſſion of bankrupt ſo iſſued againſt them, has been ſigned by the acting commiſſioners, and that the ſame now lies before your Lordſhip for confirmation and allowance.

That your petitioners are informed that if the ſaid certificate ſhall be allowed by your Lordſhip it will diſcharge the ſaid *George Langton* from the debts he owes to your petitioners, and all other his ſeparate creditors.

That your petitioners (as they believe the generality of the ſeparate creditors of the ſaid *George Langton*) are diſſatisfied with his conduct, and your petitioners are apprehenſive that if the ſaid *George Langton* ſhall obtain his certificate, the aſſignees under the firſt mentioned commiſſion will find it very difficult to recover out of the hands of the brother of the ſaid *George Langton* in *North America*, the money and effects due from him to the bankrupt's eſtate.

Your petitioners therefore pray that your Lordſhip will be pleaſed to grant an order for your petitioners to be at liberty to call a meeting of the commiſſioners acting under the ſaid commiſſion, ſo

May 28th 1785.

Let the parties concerned, or their agents, at-

tend me on the matter of this petition upon the next day of petitions: hereof give notice forthwith.

iſſued againſt the ſaid *Richardſon Bower* and *George Langton*, in order that your petitioners may prove their reſpective debts under the ſame. And that the allowance and confirmation of the ſaid certificate, ſo far as reſpects the ſaid *George Langton*, may in the mean time be ſtayed. And that your petitioners may be at liberty to aſſent to, or diſſent from, the allowance of the ſaid *George Langton*'s certificate under the ſaid commiſſion, and for that purpoſe that the ſaid certificate may be ſent back to the commiſſioners in the ſaid commiſſion named to re-certify unto your Lordſhip.

And your petitioners will ever pray, &c.

Bankrupt's Petition to have his Certificate allowed.

In Chancery.

In the matter of *Miles Barber*, a bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain.*

The humble Petition of the ſaid Bankrupt;

Sheweth,

That *Samuel Warren*, *Joſhua Roſe*, and *Joſhua Leay*, the aſſignees choſen under the commiſſion of bankrupt

bankrupt awarded againſt your petitioner as partner with *Samuel Sandys*, *James Kendall* and *Andrew White*, did on the part and behalf of and in the names of and for Sir *Robert Cunliffe*, Baronet, *John Stanion*, and *Charles Craven*, on behalf of themſelves and the reſt of the creditors of the ſaid *Miles Barber*, as partner with *Samuel Sandys*, *James Kendall* and *Andrew White*, as aforeſaid, on or about the twelfth day of *January* laſt, preſent a petition to the then Lord Chancellor of *Great Britain*, thereby praying that they the ſaid petitioners, and the reſt of the creditors of the ſaid bankrupt (as partners with *Samuel Sandys*, *James Kendall*, and *Andrew White*) might be at liberty to prove their debts under the ſaid commiſſion awarded againſt the ſaid *Miles Barber*, in his ſeparate capacity; and that they might be admitted creditors for what they ſhould ſo prove for the purpoſe of aſſenting to, or diſſenting from the allowance of the ſaid bankrupt's certificate. And that they the ſaid petitioners, and the reſt of the creditors of the ſaid *Miles Barber* (as partner with *Samuel Sandys*, *James Kendall*, and *Andrew White*) might be at liberty to aſſent to or diſſent from the allowance of the ſaid commiſſioners ſaid certificate of the ſaid *Miles Barber*'s conformity. And that his Lordſhip's allowance and confirmation of ſuch certificate might be ſtaid.

That by an order made upon the ſaid petition, bearing date the 20th day of *February* laſt, it was ordered that the petitioners and the reſt of the creditors of the ſaid *Miles Barber*, as partner with *Samuel Sandys*, *James Kendall* and *Andrew White*, ſhould be at liberty to go before the major part of the

the commiſſioners named in the commiſſion of bankrupt, iſſued againſt the ſaid *Miles Barber*, to prove the debts due to them reſpectively from the ſaid *Miles Barber*, as partner with the ſaid *Samuel Sandys*, *James Kendall*, and *Andrew White*; and that they ſhould be admitted creditors under the ſaid commiſſion, for what they ſhould ſo prove reſpectively for the purpoſe only of their being at liberty to aſſent to or diſſent from the allowance of the certificate of the ſaid *Miles Barber*. And the ſaid certificate was thereby referred back to the commiſſioners, in order to their reconſidering the ſame.

That no proceedings have ſince been had under the ſaid order. And the ſaid *Samuel Warren*, *Joſhua Roſe*, and *Joſeph Leay*, on the part and behalf of the ſaid Sir *Robert Cunliffe*, *John Stanton*, and *Charles Craven*, do not intend to proſecute the ſaid order, or to give any further oppoſition to the allowance of your petitioner's certificate, as appears by their conſent ſignified to your lordſhip.

Your petitioner therefore humbly prays your lordſhip, that his ſaid certificate may be granted and allowed.

And your petitioner ſhall ever pray, &c.

Petition

Petition to confirm a Maſter's Report.

In the matter of, &c.

To, &c.

The humble Petition of, &c.

Sheweth,

That by an order made in this matter by your lordſhip, bearing date the day of it was referred to Mr. one of the Maſters of the High Court of Chancery, To, &c. [*ſtate the order.*]

That in purſuance of the ſaid order, the ſaid maſter hath been attended by the ſolicitor for your petitioner, and alſo by the ſolicitor for the ſaid and proceeded to enquire into the matters directed by the ſaid order.

That the ſaid maſter hath made his report to your lordſhip, bearing date the day of thereby ſtating, &c.

Your petitioner therefore humbly prays your lordſhip, that the ſaid report may be confirmed, and that [*the prayer muſt be adapted to the directions requiſite upon confirming the report*] or that your lordſhip would be pleaſed to make ſuch other order in the premiſes as to your lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition

Petition excepting to a Maſter's Report.

In the matter of, &c.

To, &c.

The humble Petition of, &c.

Sheweth,

That by an order made in this matter by your lordſhip, bearing date the day of it was referred to Mr. one of the Maſters of the High Court of Chancery, To, &c. [*ſtate the order.*]

That in purſuance of the ſaid order, the ſaid maſter hath been attended by the ſolicitor for your petitioner, and alſo by the ſolicitor for the ſaid and has proceeded to enquire into the matters directed by the ſaid order, and did prepare a draft of his report, to which your petitioner did object in the ſeveral particulars following. That is to ſay, &c.

That the ſaid maſter overruled the ſaid objections ſo made and laid before him on the behalf of your petitioner as aforeſaid, and hath made his report to your lordſhip, bearing date the day of

That your petitioner ſubmits the ſaid maſter ought not to have reported [*ſtate the ſeveral parts of the report which are conceived to be erroneous, or if all the objections are eſteemed well founded, do not repeat them, but ſay*]

Your

Your petitioner therefore excepts to the ſaid maſter's report in the particulars above mentioned, and prays that the ſame may in thoſe reſpects be rectified.

Your petitioner therefore humbly prays, that the ſaid exceptions taken to the ſaid report may come on to be argued before your lordſhip, and that your lordſhip will be pleaſed to appoint a day for that purpoſe, or that your lordſhip will be pleaſed to make ſuch other order in the premiſes as to your lordſhip ſhall ſeem meet.

And your petitioner will ever pray, &c.

Upon preſenting this petition, five pounds muſt be depoſited with the ſecretary of bankrupts.

Another Form of excepting to the Maſter's Report.

In the matter of *John Pratt*, a bankrupt. }

To the Right Honourable the Lord High Chancellor of *Great Britain.*

The humble Petition of *William Cleaver*, *Jonathan Sheppard*, *Roger Woodburn*, and *John Maynard*, Aſſignees of the eſtate and effects of the ſaid Bankrupt;

Sheweth,

That on the 30th day of *July* laſt paſt, *Edmund Sawyer*, one of the maſters of this honourable court, made

made his report in this matter, touching the demand of Mr. *John Clarke*, a claimant on the ſaid bankrupt's eſtate.

That on the 31ſt day of *July* laſt, your petitioner's ſolicitor was ſerved with a petition of the ſaid *John Clarke*, with your lordſhip's order thereon for confirming the ſaid report, unleſs cauſe.

That on the 1ſt day of this inſtant *Auguſt*, your petitioner filed exceptions to the ſaid report, and depoſited 5*l.* with your lordſhip's ſecretary of bankrupts, as by the certificate annexed appears.

Your petitioners therefore moſt humbly pray your lordſhip, to appoint a ſhort day for arguing of the ſaid exceptions, and that all further proceedings touching the ſaid report may be ſtayed until after the ſaid exceptions ſhall be argued.

And your petitioners ſhall ever pray, &c.

7th *Auguſt*, 1750. Let the ſaid exceptions be ſet down to be argued before me on the next day of petitions. Hereof give notice forthwith.

Hardwicke, C.

Petition to expunge the Proof of a Debt.

In the matter of &c.

To, &c.

The humble Petition of, &c.

Sheweth,

That on the day of a commiſſion of bankrupt under the great ſeal of *Great*

Great Britain was awarded and iſſued againſt the ſaid by the name and deſcription of whereupon he was duly found and declared a bankrupt, and your petitioners being choſen aſſignees of his eſtate and effects, an aſſignment thereof was duly executed to them, by the major part of the commiſſioners in and by the ſaid commiſſion named and authoriſed.

That on the day of following, of attended a meeting of the major part of the ſaid commiſſioners held at *Guildhall, London*, for the purpoſe of proving a debt under the ſaid commiſſion, and he thereupon depoſed that the ſaid was, at and before the date and iſſuing forth of the ſaid commiſſion, and then continued to be, juſtly and truly indebted to him the ſaid deponent, and his partner, in the ſum of for goods ſold and delivered to for which the bill thereinafter mentioned was given as a ſecurity to him and his ſaid partner; for which ſaid ſum of or any part thereof, the ſaid deponent had not, nor had his ſaid partner, or any perſon to their order, or to his the ſaid deponent's knowledge or belief to their uſe, received any ſecurity or ſatisfaction whatſoever, except the ſaid bill of exchange, dated drawn by upon and accepted by for the ſaid ſum of payable days after date to the bankrupt's order, and indorſed by to the ſaid deponent and his ſaid partner.

That

That the ſaid ſince the proof of their ſaid debt, have received of and from the acceptor of the ſaid bill, a compoſition of 2 *s.* and 6 *d.* in the pound upon the amount thereof, and in full diſcharge of the ſaid acceptor.

That the ſaid compoſition having been received as aforeſaid by the ſaid without the conſent or authority of your petitioners, they humbly inſiſt that the eſtate of the ſaid bankrupt, who was merely an indorſer of the ſaid bill, is thereby become exonerated from the payment of the ſame, and every part thereof.

Your petitioners therefore humbly pray, that the proof of the ſaid debt of ſo made by the ſaid under the ſaid commiſſion, may be expunged, or that your lordſhip would be pleaſed to make ſuch other order as to your lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition

Petition of the Wife of a Bankrupt (who had a ſeparate eſtate) that ſhe or her Truſtees on her behalf, might be admitted Creditors under her Huſband's Commiſſion for 5030l. which was at different times lent by her and her Truſtees to the ſaid Bankrupt before he became ſo.

In the matter of *William Wilſon*, a bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of *Elizabeth Wilſon*, wife of *William Wilſon*, late of the pariſh of *Saint George* in the Eaſt, in the county of *Middleſex*, brewer, a bankrupt;

Sheweth,

That on or about the 26th day of *March* laſt, a commiſſion of bankrupt under the great ſeal of *Great Britain*, was awarded and iſſued againſt the ſaid *William Wilſon*, directed to certain commiſſioners therein named, and he was thereupon duly found and declared a bankrupt; and *Charles Foreman*, *William Duffins*, and *Thomas Adams*, were choſen aſſignees of his eſtate and effects, and an aſſignment thereof hath been duly made and executed to them by the major part of the commiſſioners named and authoriſed in and by the ſaid commiſſion.

That your petitioner's father *John Waſher*, deceaſed, having by his laſt will and teſtament duly executed, bearing date on or about the 11th day of *April* 1748, deviſed to truſtees therein named among other eſtates, a certain eſtate in *Yorkſhire*, upon truſt to permit and ſuffer your petitioner to receive and take the rents, iſſues, and profits thereof, to her own ſeparate uſe and benefit, without the controul, direction, or gainſaying of her huſband the ſaid *William Wilſon*, or any other huſband ſhe might thereafter intermarry with, and without his or their interfering or meddling therewith; and that your petitioner's receipt alone ſhould be a ſufficient diſcharge for her ſo doing. And your petitioner's father by his ſaid will, after giving ſeveral legacies therein mentioned; as to the reſt of his perſonal eſtate, whether in ſecurities, plate, jewels, or otherwiſe, gave and bequeathed the ſame to your petitioner, to her own ſeparate uſe and benefit, and appointed your petitioner ſole executrix of his ſaid will, who duly proved the ſame in the prerogative court of *Canterbury*.

That your petitioner by and out of her ſeparate eſtate, did advance and lend at divers times to her ſaid huſband, the ſum of 1030*l.* And your petitioner having alſo by and out of the produce of her ſaid ſeparate eſtate, certain ſtocks in the funds, ſtanding in the names of *Peregrine Cuſt*, and *John Ekins*, Eſquires, in truſt for her ſeparate uſe, they the ſaid *Peregrine Cuſt*, and *John Ekins*, on or about the 18th day of *March* laſt, did, by the order of your petitioner, raiſe by ſale of part thereof, the ſum of 3690*l.* 15*s.* and lent the ſame to her ſaid

husband, together with the sum of 309 *l.* 5 *s.* cash, then in the hands of the said *John Ekins*, in trust for your petitioner's separate use, which your petitioner added thereto, to make the same up to the sum of 4000 *l.*

That your petitioner's said husband was, before the date and suing forth of the said commission, and still is justly and truly indebted to your petitioner in the sum of 5030 *l.* for so much money advanced and lent by your petitioner to her said husband as aforesaid, and for which said sum of 5030 *l.* or any part thereof, your petitioner hath not, nor have, or hath the said *Peregrine Cust*, and *John Ekins*, or either of them, to the knowledge or belief of your petitioner, received any security or satisfaction whatsoever, save and except one bond or obligation bearing date the 18th day of *March* last, entered into by your petitioner's said husband, to the said *Peregrine Cust*, and *John Ekins*, as trustees for your petitioner, in the penal sum of 10,060 *l.* conditioned for the payment of the sum of 5030 *l.* unto the said *Peregrine Cust*, and *John Ekins*, with interest for the same, at and after the rate of four pounds for every hundred by the year, on the 18th day of *September* next.

That your petitioner, and also the said *John Ekins*, as one of your petitioner's trustees, attended to prove the said sum of 5030 *l.* under the commission against her said husband, but the assignees of his estate and effects objecting thereto, the commissioners declined admitting your petitioner or her

truſtees as creditors for the ſame, without your lordſhip's order for that purpoſe.

That no dividend has yet been made of the eſtate and effects of your petitioner's ſaid huſband.

Your petitioner therefore humbly prays your lordſhip, that ſhe, or the ſaid *Peregrine Cuſt* and *John Ekins* as her truſtees, and on her behalf, may be admitted a creditor or creditors under the ſaid commiſſion for the ſaid ſum of 5030*l.* and that ſhe may be paid out of her huſband the ſaid bankrupt's eſtate, now remaining in, or which ſhall hereafter come to the hands of the ſaid aſſignees, under the ſaid commiſſion, a dividend or dividends in reſpect thereof, rateably and in equal proportion with the other creditors of the ſaid bankrupt, ſeeking relief under the ſaid commiſſion.

And your petitioner, &c.

Petition

Petition of Truſtees under a Deed of Compoſition, (who received a Dividend thereby on their Debt) that they might be admitted Creditors under the Commiſſion for the remainder of their Debt.

In the matter of *Joſeph Phillips*, a bankrupt.

To the Right Honoureble the Lord High Chancellor of *Great Britain*.

The humble petition of *Thomas Naſh*, *John Eddowes*, and *Martin Petrie*, of *Cheapſide*, *London*, merchants;

Sheweth,

That on or about the 16th day of *April* laſt, a commiſſion of bankrupt under the great ſeal of *Great Britain*, was awarded and iſſued againſt the ſaid *Joſeph Phillips*, of the *Minories*, *London*, linendraper, who was thereupon duly found and declared a bankrupt by the major part of the commiſſioners, named and authoriſed in and by the ſaid commiſſion.

That the ſaid *Joſeph Phillips* was before the date and ſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted to your petitioners in the ſum of 381 *l.* 14 *s.* 3 *d.* the balance remaining due to your petitioners on the ſum of 545 *l.* 6 *s.* 9 *d.* for goods ſold and delivered by your petitioners to the ſaid bankrupt. And for which ſaid ſum of 381 *l.*

14 *s.* 3 *d.* or any part thereof, your petitioners or either of them have not received any ſecurity or ſatisfaction whatſoever, ſave as hereinafter mentioned.

That by indenture tripartite, bearing date the 8th day of *November*, 1769, made between the ſaid *Joſeph Phillips* of the firſt part, *Mary* his wife, and *Stephen Bayntun* a truſtee for the ſaid *Mary Phillips*, of the ſecond part, your petitioners, *Martin John Hunt*, *Joſeph Shaw*, and *Peter Martin*, creditors of the ſaid *Joſeph Phillips* of the third part, he the ſaid *Joſeph Phillips*, towards payment and ſatisfaction of the debts of all his creditors, did bargain, ſell, aſſign, and ſet over unto the ſaid *Martin Petrie*, *John Hunt*, *Joſeph Shaw*, and *Peter Martin*, all his ſtock in trade, debts, ſum and ſums of money, goods, wares and merchandizes, and all his right and intereſt therein, upon truſt to ſell and diſpoſe of, and receive the ſame; and after a deduction of the ſums of money and expences therein mentioned, to divide the clear money ariſing from the ſaid aſſigned premiſſes, unto and amongſt ſuch of the creditors of the ſaid *Joſeph Phillips*, who ſhould ſign a releaſe of their debts on or before the 8th day of *February* then next, and make proof of their reſpective debts upon oath if required, for the purpoſe of paying full 10 *s.* in the pound, on their reſpective debts, if the ſame ſhould be ſufficient for that purpoſe, in full ſatisfaction for the ſame, and after payment thereof, if there ſhould be any overplus to pay the ſame to the ſaid *Joſeph Phillips*. And the ſaid truſtees did thereby covenant, that in caſe the money which they ſhould get in and receive

ceive from the ſaid aſſigned premiſſes, ſhould be ſufficient to pay 6 *s.* in the pound, on the debts of the ſaid *Joſeph Phillips*, before the end of four calendar months next enſuing the date hereof, then that they would pay and divide the ſaid 6 s. in the pound amongſt the ſaid creditors. And alſo, ſhould and would before the end of eight calendar months then next, if they ſhould then have money ſufficient in their hands for that purpoſe, divide the further ſum of 4 *s.* upon their reſpective debts, in full ſatisfaction and diſcharge of the ſame. And the ſaid *Stephen Bayntun*, with the conſent of the ſaid *Mary Phillips*, did thereby covenant with the ſaid truſtees, that in caſe the ſaid monies to ariſe by ſale of the ſaid thereby aſſigned premiſſes ſhould not be ſufficient to pay, at the end of the four calendar months, 6 *s.* in the pound, and alſo the further ſum of 4 *s.* in the pound at the end of the ſaid eight calendar months, clear of all deductions; That then the ſaid *Stephen Bayntun* ſhould and would, at each of the ſaid times, by and out of the ſum of 864 *l.* 12 *s.* 5 *d.* three per cent. Conſol. Bank Annuities, and the intereſt and dividends thereof, make good and ſupply ſuch deficiencies reſpectively; and there was a proviſo contained in the ſaid indenture, that if the monies to ariſe by ſale and receipt of the ſaid thereby aſſigned premiſſes, and by and out of the ſaid truſt, bank annuities, and dividends, ſhould not at the end of the ſaid eight calendar months be ſufficient to pay full 10 *s.* in the pound upon the ſaid debts, clear of all deductions whatſoever, that then the ſaid *Joſeph Phillips* and his future eſtate and effects ſhould from time to

time and at all times then after, be liable to pay, ſatisfy, and make good ſuch deficiency, until all and every ſuch creditor ſhould have been paid full 10 *s.* in the pound, but no longer or more; according to the true intent and meaning of the ſaid preſents.

That your petitioners have received of the truſtees named in the ſaid indenture, by and out of the ſaid truſt eſtate, and of the ſaid *Stephen Bayntun*, by and out of the ſaid 864 *l.* 12 *s.* 5 *d.* three per cent. Bank annuities, the ſum of 163 *l.* 11 *s.* 9 *d.* being a dividend of 6 *s.* in the pound, on the ſaid ſum of 546 *l.* 5 *s.* which reduced the ſame to the ſaid ſum of 381 *l.* 14 *s.* 3 *d.* now due to your petitioners from the ſaid *Joſeph Phillips*.

That at the meeting of the ſaid commiſſioners at the *Guildhall*, *London*, for the choice of aſſignees of the ſaid bankrupt's eſtate and effects, your petitioner *Martin Petrie* attended in order to prove the ſaid debt of 381 *l.* 14 *s.* 3 *d.* due to him and your petitioners under the ſaid commiſſion; but the ſaid commiſſioners, upon the circumſtances of this caſe, adviſed your petitioners to apply to your lordſhip, for an order for that purpoſe, and adjourned the choice of aſſignees until the 3d day of *June* next, that your lordſhip's opinion in the mean time might be taken in the matter.

That your petitioner *Martin Petrie* and the ſaid other truſtees of the ſaid bankrupt's eſtate under the ſaid indenture, by and out of the eſtate aſſigned to them as aforeſaid, and the ſaid *Stephen Bayntun* as truſtee of the ſaid bank annuities for *Mary Phillips* the wife of the ſaid bankrupt, by and

out of the whole of the ſaid 864 *l.* 12 *s.* 5 *d.* have paid all thoſe creditors of the ſaid bankrupt, who were creditors at the time of the execution of the ſaid indenture, 6 *s.* in the pound on their reſpective debts, except five of the ſaid creditors, whoſe debts amounted together to 78 *l.* 9 *s.* 4 *d.* who have not yet applied to receive the ſame, and the dividend upon which, amounting to 23 *l.* 10 *s.* 9 *d.* is now in the hands of the petitioner *Martin Petrie*, and your petitioner *Martin Petrie* hath alſo in his hands the further ſum of 22 *l.* 12 *s.* 1 *d.* received by him out of the eſtate and effects of the ſaid *Joſeph Phillips*, and which he is ready to pay over to the aſſignees of the ſaid bankrupt's eſtate, when they ſhall be choſen, or as your lordſhip ſhall direct.

That the other truſtees of the ſaid *Joſeph Phillips*'s eſtate, have not, to the knowledge or belief of your petitioners, received any ſum or ſums of money, goods or effects of or belonging to the ſaid *Joſeph Phillips*, ſave the ſum of 6 *s.* in the pound upon their reſpective debts.

Your petitioners therefore humbly pray your lordſhip, that your petitioners may be admitted creditors under the ſaid commiſſion, for the ſaid ſum of 381 *l.* 14 *s.* 3 *d.* and that they be paid out of the ſaid bankrupt's eſtate, a dividend or dividends in reſpect thereof, rateably and in equal proportion with the other creditors of the ſaid bankrupt, ſeeking

ing relief under the ſaid commiſſion, and that your lordſhip will be pleaſed to make ſuch other order in the premiſes, as to your lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition to remove an Aſſignee.

In the matter of *Edward Bate* and *Samuel Sandys*, bankrupts.

To the Right Honourable *Alexander* Lord *Loughborough*, Sir *William Henry Aſhhurſt*, Knight, and Sir *Beaumont Hotham*, Knight, Lords Commiſſioners for the cuſtody of the Great Seal of *Great Britain*.

The humble Petition of *Richard Middleton*, of *Liverpool*, in the county of *Lancaſter*, merchant, one of the creditors, and alſo one of the aſſignees of the eſtate and effects of the ſaid bankrupts, on behalf of himſelf, and other the creditors of the ſaid bankrupts;

Sheweth,

That a commiſſion of bankrupt, under the great ſeal of *Great Britain*, bearing date the 26th of *February*, 1777, was awarded and iſſued againſt the ſaid *Edward Bate* and *Samuel Sandys*, of *Liverpool* aforeſaid, ironmongers, dealers, chapmen, and co-partners,

co-partners, and under which they were duly found and declared bankrupts.

That at a meeting regularly appointed under the ſaid commiſſion, *John Poſtlethwaite* and *Moorcroft Kirkes*, of *Liverpool* aforeſaid, merchants, together with your petitioner, were duly choſen and appointed aſſignees of the ſaid bankrupt's eſtate and effects, and an aſſignment thereof was in due manner made by the major part of the commiſſioners in the ſaid commiſſion named and authoriſed, to the ſaid *John Poſtlethwaite*, *Moorcroft Kirkes*, and your petitioner accordingly.

That the ſaid *Moorcroft Kirkes* is lately dead; but before his death duly made and publiſhed his will, and thereof appointed *John Sparling*, of *Liverpool* aforeſaid, Eſquire, *James Stockdale*, of *Cark*, near *Lancaſter*, in the ſaid county, Gentleman, and *Elizabeth Kirkes*, his widow, executors and executrix.

That the ſaid *Moorcroft Kirkes* in his life-time, and alſo the ſaid *John Poſtlethwaite*, received conſiderable ſums of money on account of the ſaid bankrupt's eſtate, and for which they have not accounted to the commiſſioners named and authoriſed under the ſaid commiſſion.

That the ſaid *John Poſtlethwaite* lately became a bankrupt, and a commiſſion of bankrupt was awarded and iſſued againſt him, and under which he was duly found and declared a bankrupt, and that at a meeting under ſuch laſt mentioned commiſſion, *Alexander Shorley*, of *Aſhton*, in the ſaid county, iron dealer; *William Ripley*, of *Liverpool* aforeſaid, merchant; and *John Menzies*, of the

the ſame place, accountant, were duly choſen aſſignees of the ſaid *John Poſtlethwaite*'s eſtate and effects, and an aſſignment thereof was duly made by the major part of the commiſſioners, in the ſaid laſt mentioned commiſſion named and authoriſed, to them accordingly.

12th *November*, 1783. Let the parties concerned, or their agents, attend us on the matter of this petition, upon the next day of petitions. Hereof give notice forthwith.

W. H. Aſhhurſt.
B. Hotham.

Your petitioner therefore humbly prays your lordſhips, that the ſaid *John Poſtlethwaite* may be diſcharged from being one of the aſſignees of the eſtate and effects of the ſaid *Edward Bate* and *Samuel Sandys*, and that the commiſſioners under the commiſſion againſt the ſaid *Edward Bate* and *Samuel Sandys*, do cauſe a meeting of their creditors to be had to proceed to the choice of one or more aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupts, in the room of the ſaid *John Poſtlethwaite*, and alſo of the ſaid *Moorcroft Kirkes*, deceaſed. And that the ſaid *John Poſtlethwaite*, and his aſſignee, may execute

execute a releaſe of all his and their right and title to the eſtate and effects of the ſaid *Edward Bate* and *Samuel Sandys*, remaining unreceived, and undiſpoſed of; and may aſſign over the ſame to your petitioner, and ſuch other perſon or perſons as may be choſen ſuch new aſſignee or aſſignees jointly with your petitioner, and that the ſaid *Alexander Shorley*, *William Ripley*, and *John Menzies*, as aſſignees as aforeſaid, and the ſaid *John Sparling*, *James Stockdale*, and *Elizabeth Kirkes*, as executors of the ſaid *Moorcroft Kirkes* as aforeſaid, may come to an account before the ſaid commiſſioners named in the ſaid commiſſion againſt the ſaid *Edward Bate* and *Samuel Sandys*, for the eſtate and effects of the ſaid bankrupts, come to the hands of the ſaid *Moorcroft Kirkes* in his

his life-time, and to the ſaid *John Poſtlethwaite*, as two of the aſſignees under the commiſſion againſt the ſaid *Edward Bate* and *Samuel Sandys*, or to the hands of either of them reſpectively, or to the hands of them the ſaid *John Sparling*, *James Stockdale*, and *Elizabeth Kirkes*, as executors aforeſaid, ſince the death of the ſaid *Moorcroft Kirkes*, or to the ſaid *Alexander Shorley*, *William Ripley*, and *John Menzies*, as aſſignees of the ſaid *John Poſtlethwaite*, or any of them. And that they and every of them may be directed to deliver over to your petitioner, and ſuch other perſon or perſons as ſhall be choſen ſuch new aſſignee or aſſignees as aforeſaid, all ſuch part of the eſtate and effects of the ſaid *Edward Bate* and *Samuel Sandys*, as upon the taking of ſuch accounts ſhall appear to have

have come to their or either of their hands, and to be remaining in ſpecie; together with all books, papers, and writings in their or any of their cuſtody or power reſpectively, belonging or in any wiſe relating to the ſaid *Edward Bate* and *Samuel Sandys*, or their eſtate and effects. And that the coſts of the meeting of the ſaid commiſſioners for the choice of ſuch aſſignee or aſſignees in the room of the ſaid *Moorcroft Kirkes*, deceaſed, and the ſaid *John Poſtlethwaite*, as alſo the taking of ſuch accounts, together with the coſts of this application, may be paid out of the eſtate and effects of the ſaid bankrupts *Edward Bate* and *Samuel Sandys*, and that your petitioner may have ſuch other relief as to your lordſhips ſhall ſeem meet.

And your petitioner ſhall ever pray, *&c.*

Petition

Petition to discharge two Assignees, and that new Assignees may be chosen in their stead.

In the matter of *Henry Uhthoff* and *Nicholas Battier*, bankrupts.

To the Right Honourable the Lords Commissioners for the custody of the Great Seal of *Great Britain*.

The humble Petition of *Peter Simon*, *Robert Macky*, and *P. N.* of *London*, merchants, three of the assignees of the said *Henry Uhthoff* and *Nicholas Battier*, of *London*, merchants and partners, bankrupts;

Sheweth,

That on the 23d day of *April* 1761, a commission of bankrupt issued against the said *Henry Uhthoff* and *Nicholas Battier*, and they were duly found and declared bankrupts under the same; and their joint and respective separate estates and effects were duly assigned by the major part of the commissioners named in the said commission to your petitioners, together with *Henry Guinand* and *Godhard Hagen*, both of *London*, merchants; who were duly chosen assignees under the said commission, and the usual order was made for the respective separate creditors of the said bankrupts, to be at liberty to prove their several debts under the said commission, and for their respective

separate

ſeparate eſtates being applied in the firſt place in or towards ſatisfying their ſeveral ſeparate creditors.

That on the 7th day of *March* 1767, a commiſſion of bankrupt iſſued againſt the ſaid *Godhard Hagen*, together with *David Wolpman* his partner, under which they were duly found and declared bankrupts, and their joint and reſpective ſeparate eſtates have been aſſigned to aſſignees choſen under the ſaid commiſſion, and under which commiſſion the ſaid *Godhard Hagen* hath obtained his certificate.

That a commiſſion of bankrupt hath alſo iſſued againſt the ſaid *Henry Guinand*, and he hath been found and declared a bankrupt under the ſame, and his eſtate and effects have been duly aſſigned to aſſignees, choſen under the ſaid commiſſion againſt him, and the ſaid *Henry Guinand* ſhortly intends to ſet out for *Bengal*, in the *Eaſt Indies*, in the ſervice and employment of the United *Eaſt India* Company, where he intends and has agreed to reſide ſeveral years.

That the ſaid *Godhard Hagen* in his ſeparate capacity, and the ſaid *Henry Guinand*, were reſpectively at the times of their ſeveral bankruptcies, indebted to the joint eſtate of the ſaid *Henry Uhthoff* and *Nicholas Battier*, for monies come to their reſpective hands, on account of that eſtate (that is to ſay) the ſaid *Godhard Hagen* in the ſum of 2800*l.* and the ſaid *Henry Guinand* in the ſum of 1249*l.* 4*s.* 8*d.* and the ſaid ſum of 2800*l.* hath been proved under the ſaid commiſſion, againſt the ſaid *Godhard Hagen* and *David Wolpman*, as a

debt due from the ſaid *Godhard Hagen*'s ſeparate eſtate.

That three dividends have been made of the joint eſtate and effects of the ſaid *Henry Uhthoff* and *Nicholas Battier*, and there have been three dividends of the ſeparate eſtate of the ſaid *Henry Uhthoff*, but no dividend hath been made of the eſtate of the ſaid *Nicholas Battier*.

That the ſaid *Henry Guinand* and *Godhard Hagen*, together with your petitioner *Peter Simond*, chiefly tranſacted the buſineſs of the ſaid bankrupts *Uhthoff* and *Battier*'s eſtate.

That there are ſeveral particulars of the joint and reſpective ſeparate eſtates of the ſaid *Uhthoff* and *Battier*, remaining to be collected in, and your petitioners *Simond* and *Macky* are reſpectively far advanced in years, and having many affairs of their own to tranſact in their reſpective buſineſſes, and your petitioner *P. N.* being frequently obliged to continue for conſiderable ſpaces of time together at a diſtance from *London*; your petitioners are therefore unable to attend and devote ſo much time as will be neceſſary for getting in and diſtributing what is to be ſo done of the ſaid bankrupts *Uhthoff* and *Battier*'s joint and reſpective ſeparate eſtates, without the aid and aſſiſtance of ſome other aſſignee or aſſignees to be choſen, to be joined with them to aſſiſt therein.

Your petitioners, therefore, humbly pray your Lordſhip, that the ſaid *Godhard Hagen* and *Henry Guinand* may be reſpectively diſcharged from being aſſignees of the joint and reſpective

ſpective ſeparate eſtates of the ſaid *Henry Uhthoff* and *Nicholas Battier*, and that a meeting may be had of the commiſſioners named in and authoriſed by the ſaid commiſſion againſt the ſaid *Uhthoff* and *Battier*, for the choice of one or more aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, in the places and ſteads of the ſaid *Godhard Hagen* and *Henry Guinand*, and the ſaid *Godhard Hagen* and *Henry Guinand* may be directed to deliver to ſuch perſon or perſons as ſhall be choſen ſuch new aſſignee or aſſignees, ſuch part of the eſtate and effects of the ſaid bankrupts, as ſhall appear to be in their hands remaining in ſpecie, together with all books, papers, and writings, in their or any of their cuſtody or power reſpectively, belonging or in anywiſe relating to the ſaid bankrupts, or their eſtate and effects, and that the ſaid *Godhard Hagen* and *Henry Guinand* may join in aſſigning over the eſtate and effects of the ſaid bankrupts to ſuch new aſſignee or aſſignees, and that the ſaid *Godhard Hagen* and *Henry Guinand* may be reſpectively ordered to come to an account before the major part of the commiſſioners

named in the ſaid commiſſion againſt *Uhthoff* and *Battier*, for what of the ſaid laſt named bankrupt's joint and reſpective ſeparate eſtates hath come to the reſpective hands of the ſaid *Godhard Hagen* and *Henry Guinand*, or to the hands of any other perſon or perſons by their reſpective orders, or for their reſpective uſes, and that all neceſſary directions may be given concerning the taking ſuch accounts, or that your Lordſhips will be pleaſed to make ſuch order in the premiſes as to your Lordſhips ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

A Petition that one of the Aſſignees may come to an Account, that he may be removed from his Aſſigneeſhip, and that a Dividend may be made.

In the matter of
W. K. a bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of *S. B.*

Sheweth,

That on or about the 20th day of *May* 17 a commiſſion of bankrupt iſſued forth againſt *W. K.* of

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of, &c. who was accordingly declared a bankrupt by the commiſſioners acting under the ſaid commiſſion.

That the ſaid commiſſioners, on or about the 15th day of *June* following, aſſigned over the effects of the ſaid bankrupt, to *D. C.* of, &c. merchant, and *T. B.* of, &c. cheeſefactor, two of the ſaid bankrupt's creditors, in truſt to divide the ſame amongſt all the creditors of the ſaid bankrupt ſeeking relief under the ſaid commiſſion.

That your petitioner was and ſtill is a creditor of the ſaid bankrupt, for the ſum of 160*l.* and hath accordingly proved the ſaid debt under the ſaid commiſſion.

That no dividend hath yet been paid by the ſaid aſſignees, but the ſaid *D. C.* has received ſeveral ſums of money under the ſaid commiſſion, and is and always hath been ready and willing to account for and divide the ſame amongſt the creditors of the ſaid bankrupt.

That the ſaid *T. B.* the other aſſignee, hath alſo received ſeveral conſiderable ſums of money under the ſaid commiſſion, and alſo, as your petitioner hath been informed, and hath great reaſon to believe, hath converted to his own uſe a large quantity of cheeſe, by him conſigned to the ſaid bankrupt, and belonging to his eſtate, inſiſting that the ſame was never ſold to the ſaid bankrupt. And your petitioner and the ſaid *D. C.* and others the creditors of the ſaid bankrupt, have from time to time applied to the ſaid *T. B.* in order to inſpect the account of the ſeveral ſums of money received by him, and to prevail upon him to con-

ſent to make a dividend thereof, but he refuſes ſo to do.

Your petitioner therefore humbly prays your Lordſhip, that the ſaid *T. B.* may forthwith make up an account with the ſaid *D. C.* of the ſeveral ſums of money and other effects received by him belonging to the eſtate of the ſaid *W. K.* the bankrupt, and that the ſame may be paid and delivered over by him to the ſaid *D. C.* and that the ſaid *T. B.* may be diſcharged from being aſſignee under the ſaid commiſſion, and that the ſaid *D. C.* may procure a meeting of the commiſſioners under the ſaid commiſſion, in order to divide all the effects in his hands amongſt the creditors of the ſaid bankrupt.

And your petitioner ſhall ever pray.

A Pe-

A Petition of one of the Aſſignees, that he may be diſcharged from being an Aſſignee, and may releaſe all his right, &c. in the Bankrupt's Eſtate, to the other Aſſignees.

In the matter of, &c.

To the Right Honourable the Lord Keeper of the Great Seal of *Great Britain*.

The humble Petition of *John Rigby*, one of the Aſſignees of *E. R.* of, &c.

Sheweth,

That a commiſſion of bankrupt under the Great Seal of *Great Britain*, bearing date at *Weſtminſter*, the 16th day of *January* laſt, was awarded and iſſued againſt the ſaid *E. R.* who was accordingly thereupon duly declared a bankrupt by the major part of the commiſſioners under the ſaid commiſſion.

That on the 7th day of *February* laſt, *William Prowling*, of *Tower-ſtreet*, *London*, apothecary; *William Banks*, of, &c. and your petitioner, were duly choſen aſſignees of the eſtate and effects of the ſaid bankrupt, and on the 9th day of the ſame *February*, the major part of the ſaid commiſſioners named in the ſaid commiſſion aſſigned over the perſonal eſtate and effects of the ſaid bankrupt unto the ſaid *William Prowling*, *William Banks*, and your petitioner, in truſt to divide the ſame amongſt

all the creditors of the ſaid bankrupt, ſeeking relief under the ſaid commiſſion, and the ſaid bankrupt was not ſeiſed of any real eſtate whatſoever.

That your petitioner on account of his ill ſtate of health, and his own private affairs, is incapable of attending to or acting in the truſt repoſed in him as one of the aſſignees of the ſaid bankrupt's eſtate.

That no dividend hath yet been made under the ſaid commiſſion, and that your petitioner nor any other perſon or perſons for his uſe, ever did receive or poſſeſs any money, goods or effects, belonging to the ſaid bankrupt or his eſtate, neither hath your petitioner, or any other perſon or perſons for his uſe, or in his, her, or their cuſtody or power, any of the ſaid bankrupt's eſtate or effects, as by the affidavit of your petitioner appears.

Your petitioner therefore humbly prays your Lordſhip that he may be diſcharged from being one of the aſſignees under the ſaid commiſſion, and that he may releaſe all his right, title, and intereſt, of, in, and to the ſaid bankrupt's eſtate and effects unto the ſaid *William Prowling* and *William Banks*, the ſaid two other aſſignees, or that your Lordſhip will pleaſe to make ſuch order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition

Petition by Bankrupt to ſuperſede a Commiſſion.

In the matter of *Joſeph Daviſon*,
a bankrupt.

To, &c.

The humble Petition of the ſaid *Joſeph Daviſon*;

Sheweth,

That on or about the 9th day of *June* 1789, a commiſſion of bankrupt, under the Great Seal of *Great Britain*, was awarded and iſſued againſt your petitioner, upon the petition of one *Thomas Forſter*, now deceaſed, and your petitioner was thereupon declared a bankrupt by the major part of the commiſſioners in the ſaid commiſſion named, and at the ſaid meeting under the ſaid commiſſion, *William Featherſtone*, of *Anthony Buſtin*, of and *John Walton*, of were choſen aſſignees.

That at the time the ſaid commiſſion iſſued, and your petitioner was declared a bankrupt, he was reſident at in a remote part of *Ireland*, and was entirely unacquainted with any ſuch proceeding having been had againſt him.

That on or about your petitioner came from *Ireland* into *Scotland*, where he has reſided ever ſince, and ſome ſhort time after his arrival in *Scotland* he for the firſt time heard of the ſaid commiſſion having been iſſued againſt him,

but

but he did not hear thereof, until the time appointed for his ſurrender had expired:

That, although the major part of the ſaid commiſſioners declared your petitioner a bankrupt, yet in fact your petitioner never was a trader within the true intent and meaning of the Bankrupt Laws.

That on or about your petitioner commenced an action of trover againſt the ſaid *William Featherſtone*, *Anthony Buſtin*, and *John Walton* the younger, to recover certain parts of his effects which they had ſeized, as his aſſignees, under and by virtue of the ſaid commiſſion, which ſaid action came on to be tried at the aſſizes at *Durham*, in the month of 1791, when the ſaid aſſignees not being able to prove your petitioner a trader within the meaning of the Bankrupt Laws, a verdict was found for your petitioner, for the value of the articles ſo ſeized by the ſaid aſſignees.

Your petitioner therefore humbly prays, that the ſaid commiſſion of bankrupt ſo iſſued againſt your petitioner, may be ſuperſeded, at the expence of the ſaid *William Featherſtone*, *Anthony Buſtin*, and *John Walton*, and that a writ of ſuperſedeas may forthwith iſſue for that purpoſe, and that the ſaid *William Featherſtone*, *Anthony Buſtin*, and *John Walton*, may pay the coſts of this application, and that the bond

bond entered into by the ſaid *Thomas Forſter* may be aſſigned to your petitioner, or that your Lordſhip will be pleaſed to make ſuch other order as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray.

Another Form.

In the matter of *John Sutton*, againſt whom a commiſſion of bankrupt hath been awarded, and is now in proſecution.

To, &c.

The humble Petition of the ſaid *John Sutton*;

Sheweth,

That a commiſſion of bankrupt, under the great ſeal of *Great Britain*, bearing date at *Weſtminſter* the 26th day of *June* 17 , upon the petition of was awarded and iſſued againſt your petitioner, jointly with *James Bull*, by the names and deſcription of

That your petitioner hath been declared a bankrupt jointly with the ſaid *James Bull*, his copartner, by the major part of the commiſſioners in the ſaid commiſſion named.

That your petitioner hath not at any time committed any act of bankruptcy within the true intent and meaning of the Bankrupt Laws.

Your

Your petitioner therefore humbly prays, that your Lordſhip will be pleaſed to order the ſaid commiſſion to be ſuperſeded, at the expence of the ſaid the petitioning creditor, and that the bond which has been entered into by him may be aſſigned to your petitioner, and that he may pay the coſts of this application, or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition for the Enrolment of Proceedings, under Commiſſions of Bankrupts.

To the Right Honourable the Lord High Chancellor of *Great Britain.*

The humble petition of *Thomas Hopkins* and *John Simpſon*, aſſignees of the eſtate and effects of *John Thomas*, bankrupt;

Sheweth,

That on or about the day of *June*, 1784, a commiſſion of bankrupt was awarded and iſſued againſt *John Thomas*, of, &c. and your petitioners

titioners were duly choſen aſſignees of his eſtate and effects, and the major part of the commiſſioners in the ſaid commiſſion named and authoriſed have executed an aſſignment of the perſonal eſtate, and alſo a bargain and ſale of the real eſtate of the ſaid bankrupt, to your petitioners accordingly.

That the ſaid bankrupt was ſeiſed of or entitled, unto him and his heirs, of and in the equity of redemption of a freehold eſtate in

which has been ſold, and, in order to complete the ſale thereof, your petitioners are adviſed that it is proper and neceſſary, that ſeveral parts of the proceedings under the ſaid commiſſion ſhould be enrolled.

Your petitioners therefore moſt humbly pray your lordſhip, that the ſtile and title of the proceedings of the commiſſioners under the ſaid commiſſion, the memorandum of the ſaid commiſſioners taking the uſual oath, the depoſition of the petitioning creditor's debt, together with the commiſſioner's adjudication, or declaration of the bankruptcy, of the ſaid *John Thomas*, and the memorandum of the choice of your petitioners to be aſſignees of the eſtate and effects of the ſaid *John Thomas*, and your petitioners acceptance of the truſt thereof, may be entered of record, purſuant to the

the act of parliament in that caſe made and provided.

And your petitioners ſhall ever pray, &c.

Petition for the Enrolment of the Commiſſioners Certificate of the Bankrupt's Conformity.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble Petition of *John Thomas*, bankrupt;

Sheweth,

That on or about the day of 1780, a commiſſion of bankrupt iſſued againſt your petitioner, whereupon he was duly declared bankrupt.

That your petitioner has obtained his certificate, under the hands and ſeals of the major part of the commiſſioners, acting in the execution of the ſaid commiſſion, whereby they have certified, that your petitioner hath in all things conformed himſelf to the ſeveral acts of parliament made and now in force concerning bankrupts, and four-fifths in number and value of the creditors of your petitioner, who proved their debts under the ſaid commiſſion, have ſigned their names at the foot of the ſaid certificate, teſtifying their conſent that your petitioner may have ſuch allowance and benefit as are given to bankrupts, and the ſame certificate hath

hath been allowed and confirmed by your lordſhip.

That your petitioner is deſirous that his ſaid certificate, ſo confirmed as aforeſaid, may be entered of record.

Your petitioner therefore moſt humbly prays your lordſhip, that his ſaid certificate, together with your petitioner's affidavit of having obtained the ſame fairly and without fraud, may be entered of record, purſuant to the act of parliament in that caſe made and provided.

And your petitioner, &c.

Petition to tax Bill, and for Petitioner to deliver up Proceedings under a Commiſſion.

In the matter of, &c.

To, &c.

The humble Petition of, &c.

Sheweth,

That on or about a commiſſion of bankrupt, under the great ſeal of *Great Britain*, was awarded and iſſued againſt the ſaid who was thereupon duly found and declared a bankrupt, and your petitioner choſen ſole aſſignee of his eſtate and effects, to whom the uſual aſſignment has been made.

That

That your petitioner employed to act as the ſolicitor under the ſaid commiſſion, but your petitioner is deſirous of changing his ſolicitor, and to employ another perſon in that capacity, and he has applied to the ſaid to deliver up the proceedings under the ſaid commiſſion, and other papers in his cuſtody, offering at the ſame time to pay his bill of fees as ſettled by one of the maſters of the court of chancery, which the ſaid hath refuſed to do.

Your petitioner therefore humbly prays your lordſhip, that the ſaid may be ordered forthwith to deliver to your petitioner his bills of fees and diſburſements as ſolicitor to the ſaid commiſſion, ſigned by him, and that ſuch bill, when delivered, may be referred to one of the maſters of the High Court of Chancery, to be taxed; your petitioner hereby offering to pay to the ſaid what ſhall appear to be due or owing to him, on the taxation of ſuch bill, and that the ſaid may account before the ſaid maſter for ſuch ſums of money as he has received on account of the ſaid bankrupt's eſtate, and be directed to pay to your petitioner what, if any thing, ſhall appear to be due on the balance of his

his account, and that upon payment to the ſaid of what ſhall appear to be due to him on the taxation of his ſaid bill, he may be directed to deliver up to your petitioner the ſaid commiſſion of bankrupt, the proceedings under the ſame, and all deeds, books, papers, and writings relating thereto.

And your petitioner ſhall ever pray, &c.

Petition by Solicitor to be paid his Bill, taxed by the Commiſſioners.

In the matter of, &c.

To, &c.

The humble Petition of, &c.

Sheweth,

That on or about a commiſſion of bankrupt, under the great ſeal of *Great Britain*, was awarded and iſſued againſt upon the petition of and he was thereupon duly found and declared a bankrupt by the major part of the commiſſioners in the ſaid commiſſion named.

That the ſaid the petitioning creditor, employed your petitioner as his

ſolicitor, to ſue out and proſecute the ſaid commiſſion.

That on the day of being the ſecond meeting under the ſaid commiſſion, were choſen aſſignees of the ſaid bankrupt's eſtate and effects, and the uſual aſſignment made to them by the major part of the ſaid commiſſioners.

That the ſaid commiſſioners taxed your petitioner's bills of coſts for ſuing out the ſaid commiſſion, and up to the choice of aſſignees, at the ſum of and by their order directed the ſaid aſſignees to pay the ſame out of the ſaid bankrupt's eſtate.

That the ſaid aſſignees have poſſeſſed themſelves of the ſaid bankrupt's effects more than ſufficient to pay the ſaid bill.

Your petitioner therefore humbly prays that your lordſhip will be pleaſed to order the ſaid aſſignees forthwith to pay your petitioner the ſaid bill of coſts ſo taxed by the ſaid commiſſioners as aforeſaid.

And your petitioner ſhall ever pray, &c.

Petition

Petition for Solicitor to deliver up Proceedings.

In the matter of *Thomas Wheatley* and *William Thompſon*, bankrupts.

To the Right Honourable the Lord High Chancellor, &c.

The Petition of *James Dewey*, of *Spital Square*, in the county of *Middleſex*, ſole aſſignee of the ſaid bankrupts;

Sheweth,

That on or about the 16th day of *January*, 1792, a commiſſion of bankrupt, under the great ſeal of *Great Britain*, was awarded and iſſued againſt the ſaid bankrupts, upon the petition of and they were thereupon duly found and declared bankrupts.

That before the ſaid commiſſion iſſued, the ſaid bankrupts were indebted to your petitioner for in the ſum of and your petitioner had obtained judgment againſt the ſaid bankrupts, and had iſſued a *fieri facias* againſt their effects, under which the ſheriff of *Middleſex* was in poſſeſſion.

That your petitioner finding the ſaid bankrupts had committed acts of bankruptcy prior to the day the ſheriff executed your petitioner's ſaid execution, your petitioner directed the ſaid ſheriff not to ſell the ſaid bankrupts goods under the execution, and your petitioner waived his ſaid execution, and

proved his ſaid debt under the ſaid commiſſion.

That your petitioner's ſaid debt being greater than all the other debts under the ſaid commiſſion, your petitioner, at the meeting appointed for the choice of aſſignees, choſe himſelf ſole aſſignee, and an aſſignment of the ſaid bankrupt's effects has been duly made to him by the major part of the commiſſioners in the ſaid commiſſion named.

That the ſaid the petitioning creditor, employed Meſſrs. as his ſolicitors to ſue out the ſaid commiſſion, and their bill of coſts, up to the choice of aſſignees, was taxed by the commiſſioners at the ſum of

That your petitioner, as ſuch aſſignee as aforeſaid, hath applied to the ſaid Meſſrs. and offered to pay them the ſaid ſum of being the amount of the ſaid taxed bill, and required them to deliver up to your petitioner the proceedings under the ſaid commiſſion, which they have refuſed to do, and have only delivered to your petitioner the aſſignment from the ſaid commiſſioners to your petitioner.

Your petitioner therefore humbly prays your lordſhip, that the ſaid Meſſrs. may deliver to your petitioner all the proceedings under the ſaid commiſſion in their poſſeſſion, cuſtody, or power, your petitioner hereby offering to pay to the ſaid Meſſrs. the ſaid

ſaid ſum of the amount of the ſaid bill, as ſettled by the ſaid commiſſioners, or that your lordſhip would be pleaſed to make ſuch other order in the premiſes as to your lordſhip may ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition that Aſſignees may pay Solicitor his taxed Bill.

In the matter of *James Haviland*, a bankrupt.

To, &c.

The humble Petition of, &c.

Sheweth,

That on or about the 29th of *May* 1789, your petitioner, who was the ſolicitor under the ſaid commiſſion, together with who was the meſſenger under the ſaid commiſſion, preſented their humble petition to your lordſhip, ſtating that, &c.

That your petitioner, and the ſaid attended the ſaid maſter for the purpoſe of procuring the ſaid bills to be taxed; which he declined, apprehending he had no authority ſo to do, and the ſaid maſter certified ſuch his doubts to your lordſhip.

That in conſequence thereof, your petitioner, together with the ſaid on or about again petitioned your lordſhip, thereby praying that your lordſhip would be pleaſed to direct the ſaid maſter to proceed to the taxation of the ſaid bills.

That the ſaid laſt-mentioned petition came on to be heard before your lordſhip on the 22d *March* 1790, when your lordſhip was pleaſed to refer it back to the ſaid maſter, to review his certificate, and to enquire into and ſee whether the ſeveral charges in the ſaid bill of coſts are reaſonable and proper, and ſuch as ought to have been allowed by the commiſſioners under the ſaid commiſſion, and in caſe the ſaid maſter ſhould find that any of the charges in the ſaid bill are not reaſonable and proper to be allowed, that the ſaid maſter ſhould proceed to tax the ſaid bill of coſts.

That in purſuance of the ſaid laſt-mentioned order, the ſaid maſter hath made his report, bearing date 11th *July* 1791, thereby certifying, &c.

That ſince the maſter had made his ſaid report, the ſaid aſſignees had paid the ſaid the ſaid ſum of

That your petitioner, as ſolicitor to the ſaid commiſſion, had, ſubſequent to the choice of aſſignees, done buſineſs as ſuch ſolicitor, in the carrying on and proſecution of the ſaid commiſſion; and purſuant to the ſtatute 5 *G.* 2. *c.* 30. your petitioner hath cauſed his bill of fees for ſuch buſineſs done as ſolicitor to the ſaid commiſſion as laſt mentioned, to be taxed by one of the maſters of the court of Chancery, who in the preſence of the ſolicitor

ſolicitor for the ſaid aſſignees, taxed ſuch ſubſequent bill at the ſum of 34 *l.* 12 *s.* 2 *d.*

That the ſaid aſſignees have effects of the ſaid bankrupt's in their hands, more than ſufficient for the payment of the ſaid two bills.

That your petitioner hath frequently applied to the ſaid aſſignees, and requeſted them to pay him the ſaid two bills of coſts, as taxed by the ſaid maſter.

Your petitioner therefore humbly prays your lordſhip, that the ſaid aſſignees may be directed forthwith to pay to your petitioner the ſaid ſums of together with the coſts of taxing the ſaid firſt-mentioned bill, and of this and the other applications which your petitioner has been under the neceſſity of making in this behalf to your lordſhip, or that your lordſhip will be pleaſed to make ſuch other order in the premiſes as to your lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

In caſe the party upon whom an order is made, does not, upon being ſerved therewith, conform thereto, another petition, verified by affidavit, muſt be preſented, ſtating the ſervice of the order and the fact of diſobedience, and praying that he pay the

money by a given day, or may ſtand committed to the *Fleet*, which will be ordered, unleſs he can exculpate himſelf.

Petition that a Perſon may ſtand committed for not paying Money, purſuant to Order.

In, &c.

To, &c.

The humble Petition of, &c.

Sheweth,

That on or about *A. B.* preſented his petition to your lordſhip, thereby praying, &c. and that upon the hearing of the ſaid petition your lordſhip was pleaſed to order, that the ſaid petition ſhould be diſmiſſed with coſts, to be paid by to your petitioner, ſuch coſts to be taxed by one of the maſters of the court of chancery.

That ſuch coſts have been taxed by the ſaid maſter at and your petitioner had cauſed the ſaid *A. B.* to be ſerved with the ſaid order, and had demanded of him the ſaid ſum of which he refuſed to pay.

That your petitioner preſented his petition on or about to your lordſhip, ſtating as aforeſaid, and praying that the ſaid *A. B.* might be ordered to pay to your petitioner the ſaid ſum of being the coſts taxed by the ſaid maſter, in fourteen days after perſonal ſervice of your lordſhip's

ſhip's order for that purpoſe, or that he might ſtand committed to his Majeſty's priſon of the *Fleet*, for contempt.

That the ſaid laſt-mentioned petition came on to be heard on when your lordſhip ordered, that the ſaid *A. B.* ſhould, within fourteen days after perſonal ſervice of the ſaid order, pay to your petitioner the ſaid ſum of or in default thereof that the ſaid *A. B.* ſhould ſtand committed to his Majeſty's priſon of the *Fleet*, for his contempt of the ſaid order.

That your petitioner, on cauſed the ſaid *A. B.* to be perſonally ſerved with the ſaid laſt-mentioned order, and did demand the ſaid ſum of of him the ſaid *A. B.* which he then and there refuſed to pay.

Your petitioner therefore humbly prays your lordſhip, that the ſaid *A. B.* may immediately ſtand committed to his Majeſty's priſon of the *Fleet*, for his contempt of the ſaid laſt-mentioned order, and that your lordſhip's warrant may iſſue for that purpoſe,

If the perſon to whom the money is to be paid does not himſelf demand it, he muſt give a power of attorney to ſome other perſon to receive it.

Order

Order for Commitment.

Whereas did on prefer their petition to me, thereby ſtating that did on or about the day of prefer his petition to me, ſtating as therein mentioned. That upon hearing the ſaid petition of the ſaid on the day of an order was made, that it ſhould be diſmiſſed with coſts, to be paid by the ſaid to the petitioners, and that the ſaid coſts had been taxed by Maſter *Holford*, at 24 *l.* 9 *s.* 4 *d.* and that the petitioner had cauſed the ſaid to be ſerved with a true copy of ſuch order, and had demanded of him the ſaid ſum of and which he had refuſed to pay, and therefore praying that the ſaid might be ordered to pay the petitioner the ſaid ſum of 24 *l.* 9 *s.* 4 *d.* being the coſts taxed by the ſaid maſter, in four days after perſonal ſervice of my order, or that he might ſtand committed to his Majeſty's priſon of the *Fleet*, for contempt. Whereupon I did order that the ſaid ſhould, within four days after perſonal ſervice of the ſaid order, pay to the petitioner the ſaid ſum of 24 *l.* 9 *s.* 4 *d.* or in default thereof that the ſaid ſhould ſtand committed to his Majeſty's priſon of the *Fleet*, for his contempt of my order. That the petitioner, on

did

did cauſe the ſaid to be perſonally ſerved with the ſaid laſt-mentioned order, and did demand of him the ſaid ſum of 24 *l.* 9 *s.* 4 *d.* which he then and there refuſed to pay. And therefore praying, that the ſaid might immediately ſtand committed to his Majeſty's priſon of the *Fleet*, for his contempt of the ſaid laſt-mentioned order, and that my warrant might iſſue for that purpoſe. Now, upon reading of the ſaid petition, and an affidavit of ſworn the day of I do order that the ſaid do ſtand committed to his Majeſty's priſon of the *Fleet*, for his contempt, and that a warrant do forthwith iſſue for that purpoſe.

Thurlow, C.

Petition for an Order upon a former Clerk to a Commiſſion, to deliver up the Proceedings under it.

In the matter of *Edward Leatherbarrow*, a bankrupt.

To the Right honourable *Edward* Lord *Thurlow*, Baron *Thurlow* of *Aſhfield* in the county of *Suffolk*, Lord High Chancellor of *Great Britain*.

The humble Petition of *Thomas Stainforth*, of *Liverpool*, in the county of *Lancaſter*, merchant, on the behalf of himſelf, and *Elizabeth* his

his wife a daughter of *Charles Goore*, deceaſed;

Sheweth,

That on or about the 12th day of *October*, in the year of our Lord 1752, a commiſſion of bankrupt under the great ſeal of *Great Britain*, was awarded and iſſued againſt *Edward Leatherbarrow*, of *Wigan*, in the county of *Lancaſter*, grocer, directed to *George Kenyon* and *Thomas Piggott*, Eſquires, *Richard Broom*, *Robert Brumley*, and *Richard Eccleſton*, Gentlemen, under which he was found and declared a bankrupt; and *Charles Goore* and *Richard Cribb*, both of *Liverpool*, in the county of *Lancaſter*, merchants, were duly choſen aſſignees, to whom the eſtate and effects of the ſaid *Edward Leatherbarrow* were aſſigned by the major part of the commiſſioners acting under the ſaid commiſſion.

That the commiſſioners named in the ſaid commiſſion are all of them dead, and the ſaid *Richard Cribb*, the aſſignee, died ſeveral years ago.

That the ſaid *Charles Goore* ſurvived the ſaid *Richard Cribb*, but is lately dead inteſtate, leaving *Elizabeth* his daughter, your petitioner's wife, his perſonal repreſentative.

That your petitioner and his ſaid wife have taken out letters of adminiſtration to the effects of the ſaid *Charles Goore*.

That your petitioner upon inſpecting the books and accounts of the ſaid *Charles Goore*, found that there remained in his hands at the time of his death, a ſum of money ariſing from the eſtate of the ſaid

Edward

Edward Leatherbarrow; and your petitioner being deſirous that the ſame ſhould be divided amongſt the ſaid *Edward Leatherbarrow*'s creditors, applied for and obtained a renewed commiſſion of bankrupt under the great ſeal of *Great Britain*, againſt the ſaid *Edward Leatherbarrow*, bearing date the 8th day of *October* laſt, directed to *Robert Moſs* and *Robert Richmond*, Eſquires, *Thomas Wiatt*, *Edward Blackſtock*, and *Joſhua Lace*, Gentlemen.

That *John Bromley*, late of
aforeſaid, but now of
being the ſolicitor to the firſt mentioned commiſſion, and having all the proceedings under the ſame in his cuſtody, your petitioner cauſed ſeveral applications to be made to him to deliver ſuch proceedings to your petitioner, and at length obtained from him the ſaid firſt mentioned commiſſion, and the counterparts of the bargain and ſale, and aſſignment of the eſtate and effects of the ſaid bankrupt; but the commiſſioners named in the ſaid renewed commiſſion, finding that they could not with propriety act under the ſame, without having all the other proceedings under the ſaid firſt mentioned commiſſion before them, your petitioner applied again to the ſaid *John Bromley* to deliver the ſame to your petitioner; but he refuſed ſo to do, pretending that his bill on the aſſignees for ſoliciting the ſaid firſt mentioned commiſſion had not been paid.

That your petitioner found amongſt the papers of the ſaid *Charles Goore*, deceaſed, the ſaid *John Bromley*'s bill of fees for ſoliciting the ſaid firſt-mentioned commiſſion, with the ſaid *John Bromley*'s receipt

receipt for the amount, which is now in the poſſeſſion of your petitioner; and alſo the ſaid *John Bromley*'s promiſſory note to the ſaid *Charles Goore* and *Richard Cribb*, for the ſum of 27 *l.* 8 *s.*; and it appears by the accounts of the ſaid *Charles Goore*, that the ſaid *John Bromley* is now conſiderably indebted to the eſtate of the ſaid bankrupt.

That your petitioner, on or about the 13th day of *December*, 1784, cauſed a notice in writing to be ſerved on the ſaid *John Bromley*, purporting that if he did not deliver the proceedings under the firſt mentioned commiſſion to your petitioner, an application would be made to your lordſhip for an order upon him to deliver the ſame, and that he might pay the coſts of ſuch application. And your petitioner in ſuch notice informed the ſaid *John Bromley*, that your petitioner was willing to pay any juſt demand he had upon the ſaid late aſſignees, after giving credit for what the ſaid *John Bromley* ſhould be found indebted to the ſaid bankrupt's eſtate.

That your petitioner hath ſince laſt cauſed repeated applications to be made to the ſaid *John Bromley* for the ſaid proceedings, and the ſaid *John Bromley* hath promiſed to deliver the ſame, but hath hitherto neglected ſo to do; and he now alledges that ſuch proceedings are miſlaid.

That the commiſſioners named in the ſaid renewed commiſſion cannot act under the ſame, not having the proceedings under the ſaid former commiſſion, and having no account of the debts proved under ſuch former commiſſion.

That your petitioner is deſirous that the ſaid

renewed commiſſion ſhould be proceeded in, and the money ſo appearing to be in the hands of the ſaid *Charles Goore*, as aſſignee under the ſaid firſt mentioned commiſſion, be divided amongſt the creditors of the ſaid *Edward Leatherbarrow*; but inaſmuch as the commiſſioners named in the ſaid renewed commiſſion cannot act under the ſame, without having the proceedings taken under the former commiſſion;

Your petitioner therefore moſt humbly prays, that your lordſhip will be pleaſed to order that the ſaid *John Bromley* do deliver to your petitioner, upon oath, all the proceedings under the ſaid firſt mentioned commiſſion, now in his cuſtody, poſſeſſion, or power, your petitioner hereby offering to pay what, if any thing, ſhall appear to be due to the ſaid *John Bromley*, for his fees and diſburſements on account of the ſaid commiſſion. And that the ſaid *John Bromley* may be ordered to pay your petitioner's coſts of this application, or that your lordſhip will be pleaſed to make ſuch other order for the direction of the commiſſioners named in the ſaid renewed commiſſion and your petitioner, as to your lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition

Petition to ſuperſede Commiſſion by Conſent of Creditors.

In the matter of *John Thomas*, a bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble Petition of the ſaid *John Thomas*, the Bankrupt;

Sheweth,

Petition to ſuperſede.

That a commiſſion of bankrupt, under the great ſeal of *Great Britain*, bearing date at *Weſtminſter*, the day of *June*, 1780, was awarded and iſſued againſt your petitioner, upon the petition of *Thomas Hopkins*, of, *&c.* which commiſſion was directed to certain commiſſioners therein ſpecially named and authoriſed, the major part of whom found and declared your petitioner bankrupt.

That the ſeveral perſons whoſe names are hereunto ſubſcribed, are all the creditors of your petitioner, who have proved or claimed any debt under the ſaid commiſſion, as by the certificate of the ſaid commiſſioners, hereunto annexed, appears, and as all the ſaid creditors of your petitioner are conſenting that the ſaid commiſſion ſhould be ſuperſeded, and for that purpoſe have ſignified their reſpective conſents in writing to

to the prayer of this petition, at the foot hereof, as by affidavit also annexed appears.

Your petitioner therefore humbly prays, that your Lordship would be pleased to order that the said commission of bankrupt awarded and issued against your petitioner as aforesaid, be immediately superseded, and that a writ of *supersedeas* do forthwith issue for that purpose.

July, 1780.
Filing the certificate of the commissioners, and the affidavit of *John Knight*, be it as prayed.
Thurlow, C.

And your petitioner shall ever pray, &c.

We whose names are hereunder subscribed, do hereby most humbly testify and declare our consents to the prayer of the above petition, in case your Lordship shall be pleased to grant the same. Witness our hands, this day of *July*, 1780.

Certificate of the Commissioners to the Great Seal, of the Proceedings had under the Commission, to supersede the same.

In the matter of *John Thomas*, a bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

Commissioners certificate of creditors proved.

We whose names are hereunto subscribed, being the major part of the commissioners named and authorised in and by a commission of bankrupt, bearing date at *Westminster*, the of *June*, 1780, awarded and issued against *John Thomas*, of, &c. directed to us *William Bumpstead*, *Henry Hunter*, and *Henry Russel*, Esqrs. together with *Henry Cowper*, Esq. and *Richard Hargrave*, Gent. do humbly certify to your Lordship, that we the major part of the said commissioners, on the said day of *June*, having begun to put the said commission into execution against the said *John Thomas*, did find, that the said *John Thomas* did, before the date and suing forth of the said commission, become bankrupt within the intent and meaning of the several statutes made, and now in force, concerning bankrupts, some or one of them, and did therefore declare the said *John Thomas* bankrupt accordingly. And we the said commissioners do further certify to your lordship, that, &c. are the only creditors of the said *John Thomas*, who have proved debts under the said

ſaid commiſſion. And we the ſaid commiſſioners do further humbly certify to your Lordſhip, that we did meet purſuant to notice in the *London Gazette* for that purpoſe, on the day of the ſaid month of *June*, for the proof of debts, and on the day of the ſaid month of *June*, for the choice of aſſignees of the ſaid bankrupt's eſtate and effects, when no other creditor proved or claimed any debt under the ſaid commiſſion, at either of the ſaid ſittings. Witneſs our hands, this day of *July*, in the year of our Lord, 1780.

William Bumpſtead,
Henry Hunter.
Henry Ruſſel.

Memorandum of the Commiſſioners ſigning the above Certificate.

At, &c.

Be it remembered, that we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in and by a commiſſion of bankrupt awarded and iſſued, and now in proſecution againſt *John Thomas*, of, &c. met the day and year and at the place aboveſaid, and, at the inſtance of all the ſaid bankrupt's creditors, under the ſaid commiſſion, made our certificate, and thereby certified to the Right Honourable the Lord High Chancellor of *Great Britain*, that we

Memorandum of commiſſioners ſigning certificate.

the ſaid commiſſioners had declared the ſaid *John Thomas* bankrupt, and that the ſaid, *&c.* were the only creditors who had proved or claimed any debts under the ſaid commiſſion. Witneſs our hands, this day of *July*, 1780.

William Bumpſtead.
Henry Hunter.
Henry Ruſſel.

Affidavit of the ſeeing the Creditors ſign Conſent at Foot of Petition to ſuperſede the Commiſſion.

In the matter of *John Thomas*, a bankrupt.

Affidavit of ſeeing creditor ſigning certificate to ſuperſede.

John Knight of, &c. maketh oath, that he this deponent did, this day of *July*, 1788, ſee, &c. ſeverally ſign their names to a conſent in writing, ſubſcribed to the prayer of a petition of the ſaid *John Thomas*, of, &c. directed and intended to be preferred to the Lord High Chancellor of *Great Britain*, moſt humbly praying that his Lordſhip would be pleaſed to order, that the ſaid commiſſion of bankrupt therein mentioned to have been awarded and iſſued, and then in proſecution againſt the ſaid *John Thomas*, might be immediately ſuperſeded, and that a writ of *ſuperſedeas* might forthwith iſſue for that purpoſe, or to that effect. And this deponent further ſaith, that the names, &c. ſigned and ſubſcribed to the ſaid

conſent in writing, are of the reſpective proper hand-writing of the ſaid, &c.

Sworn, &c. *John Knight.*

Writ of Superſedeas.

Writ of ſuperſedeas.

George the Third, by the grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, and ſo forth. To our truſty and well-beloved *William Bumpſtead*, *Henry Hunter*, *Henry Ruſſel*, *Henry Cowper*, Eſqrs. and *Richard Hargrave*, Gent. greeting: Whereas we being informed that *John Thomas*, of, &c. uſing and exerciſing his trade of merchandize, by way of bargaining, exchange, bartering, cheviſance, ſeeking his trade of living by buying and ſelling, did become bankrupt within the ſeveral ſtatutes made againſt bankrupts, to the intent to defraud and hinder *Charles Jones* of, &c. and others, his creditors, of their juſt debts and duties, to them due and owing; and we, minding the due execution of the ſeveral ſtatutes made againſt bankrupts, did, by our commiſſion under the great ſeal of *Great Britain*, bearing date at *Weſtminſter*, the day of in the year of our reign, name, aſſign, appoint, conſtitute, and ordain you our ſpecial commiſſioners, thereby giving, &c. [*here recite the original commiſſion to* "diligence and effect," *then add*] Now foraſmuch as the ſaid *John Thomas*, the bankrupt, by his humble petition, exhibited to our Lord High Chancellor of *Great Britain*, for the reaſons therein contained, prayed that the

ſaid commiſſion might be ſuperſeded; whereunto we graciouſly inclining, do, by theſe preſents, will and command you, and every of you, to ſtay and ſurceaſe all further proceedings upon the ſaid commiſſion, and that you ſuperſede the ſame accordingly, as our ſpecial truſt is in you repoſed. Witneſs ourſelf at *Weſtminſter*, the day of in the year of our reign.

J. Yorke.

When this writ is obtained, the commiſſioners muſt be ſerved therewith, by delivering to each of them a copy, and at the ſame time ſhewing them reſpectively, the original writ under ſeal, and then the proceedings are at an end; but it is uſual to give notice thereof in the *Gazette*: for the form of which, ſee title *Advertiſements*.

Petition by a Bankrupt to have his Certificate under an Inſolvent Act.

In the matter of *John Read*, a bankrupt.

To the Right Honourable the Lord High Chancellor of *Great Britain*.

The humble petition of the ſaid *John Read*;

Sheweth,

Petition under an inſolvent act.

That a commiſſion of bankrupt, under the great ſeal of *Great Britain*, bearing date the day of in the year of

of his preſent Majeſty's reign, was awarded and iſſued againſt your petitioner, directed to certain commiſſioners therein named, and your petitioner hath thereupon been duly found and declared a bankrupt.

That your petitioner ſurrendered himſelf under the ſaid commiſſion, and duly paſſed his examination before the acting commiſſioners in the ſaid commiſſion named, and hath in all things duly conformed himſelf to the ſeveral ſtatutes now in force concerning bankrupts.

That notwithſtanding your petitioner hath in all things conformed and ſubmitted to the ſaid commiſſion, your petitioner hath not yet been able to obtain his certificate for want of ſufficient number of his creditors ſigning the ſame.

Your petitioner therefore humbly prays your Lordſhip to direct the acting commiſſioners named in and authoriſed by the ſaid commiſſion to certify to your Lordſhip the conformity or non-conformity of your petitioner under the ſaid commiſſion, and ſuch other matters as to them ſhall ſeem neceſſary concerning the ſame, in order that ſuch certificate may be allowed by your Lordſhip, if your Lordſhip ſhall ſo think fit, in purſuance of an act of parliament, made in the eighteenth year of the reign of his preſent Majeſty, intituled 18 G. 2. c. 32.

tituled "An act for the relief of inſolvent debtors, and for the relief of bankrupts in certain caſes;" or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes for the relief of your petitioner as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

The Lord Chancellor's Order thereupon.

Tueſday, the 8th Day of *December*, 1778.

Lord Chancellor.

In the matter of *John Read*, a bankrupt.

Lord Chancellor's order under inſolvent act.

Whereas the ſaid *John Read* did, on this eighth day of *December* inſtant, prefer his petition to me, ſhewing that a commiſſion of bankrupt under the great ſeal of *Great Britain*, bearing date the twenty-eighth of *December*, in the ſixteenth year of his preſent Majeſty's reign, was awarded and iſſued againſt the petitioner, directed to certain commiſſioners therein named, and the petitioner had thereupon been duly found and declared a bankrupt. That the petitioner ſurrendered himſelf under the ſaid commiſſion, and duly paſſed his examination before the acting commiſſioners in the ſaid commiſſion named, and had in all things duly

duly conformed himſelf to the ſeveral ſtatutes then in force concerning bankrupts. That notwithſtanding the petitioner had in all things conformed and ſubmitted to the ſaid commiſſion, the petitioner had not yet been able to obtain his certificate, for want of a ſufficient number of his creditors ſigning the ſame: And therefore praying, that I would direct the acting commiſſioners named in and authoriſed by the ſaid commiſſion, to certify to me the conformity or non-conformity of the petitioner under the ſaid commiſſion, and ſuch other matter as to them ſhould ſeem neceſſary concerning the ſame, in order that ſuch certificate might be allowed by me, in purſuance of an act of parliament, made in the eighteenth year of his preſent Majeſty's reign, intituled "An act for the relief of inſolvent debtors, and for the relief of bankrupts in certain caſes." Now upon reading the ſaid petition, and an affidavit of *John Read* the petitioner, I do order that the major part of the commiſſioners named in the commiſſion of bankrupt iſſued againſt the petitioner, do certify to me the conformity or non-conformity of the petitioner under the ſaid commiſſion, and ſuch other matter as to the ſaid commiſſioners ſhall ſeem neceſſary concerning the ſame.

Thurlow, C.

December 15, 1778.

Exhibited to us this under the commiſſion againſt *John Read*.

John Crofts.
A. Baillie.
E. Barnard.

The

The Commiſſioners Certificate.

To the Right Honourable the Lord High Chancellor of *Great Britain.*

Commiſſioner's certificate.

In obedience to your Lordſhip's order bearing date the 8th day of *December*, 1778, we whoſe hands and ſeals are hereunto ſubſcribed and ſet, being the major part of the commiſſioners, named and authoriſed in and by a commiſſion of bankrupt, awarded and iſſued againſt *John Read*, at that time of *South Mims*, in the county of *Middleſex*, dealer and chapman, but now of *Barking*, in the county of *Eſſex*, baker, bearing date at *Weſtminſter*, the 28th day of *December*, in the ſixteenth year of his preſent Majeſty's reign, directed to *John Cook*, ſenior, *John Crofts*, and *Lancelot Brown*, Eſqrs. together with *Alexander Baillie*, and *Edward Barnard*, Gentlemen, do humbly certify to your Lordſhip, that the major part of the commiſſioners by the ſaid commiſſion authoriſed, having begun to put the ſaid commiſſion into execution, did find that the ſaid *John Read* became bankrupt ſince the 14th day of *May*, 1729, and before the date and ſuing forth of the ſaid commiſſion, within the true intent and meaning of the ſtatutes made and now in force concerning bankrupts, or ſome or one of them, and did thereupon declare and adjudge him a bankrupt accordingly. And we further humbly certify to your Lordſhip, that the ſaid *John Read*, being ſo declared a bankrupt, the major part of the ſaid commiſſioners by the ſaid commiſſion

commiſſion authoriſed, purſuant to the direction of the act of parliament, made in the fifth year of the reign of his late Majeſty King *George* the Second, intituled, "An act to prevent the committing of frauds by bankrupts," did cauſe due notice to be given and publiſhed in the *London Gazette*, of ſuch commiſſion being iſſued, and of the times and places of three ſeveral meetings, the ſaid *John Read* was required to ſurrender himſelf to the ſaid commiſſioners named in the ſaid commiſſion, or the major part of them, and to make a full diſcloſure and diſcovery of his eſtate and effects, and the creditors of the ſaid *John Read* were deſired to come prepared to prove their debts, and to aſſent to or to diſſent from the making this certificate. And we further humbly certify to your Lordſhip, that ſuch three ſeveral meetings of the major part of the commiſſioners, by the ſaid commiſſion authoriſed, were held purſuant to ſuch notice ſo given and publiſhed as aforeſaid: And that at one of thoſe meetings, the ſaid *John Read* did ſurrender himſelf to the major part of the ſaid commiſſioners, by the ſaid commiſſion authoriſed, and did ſign and ſubſcribe ſuch ſurrender, and did ſubmit himſelf to be examined from time to time upon oath, by and before the major part of the ſaid commiſſioners, by the ſaid commiſſion authoriſed, and in all things to conform to the ſaid ſeveral ſtatutes made, and now in force concerning bankrupts, and particularly to the ſaid act made in the fifth year of the reign of his ſaid late Majeſty. And we further humbly certify to your Lordſhip, that at the laſt of the ſaid three meetings, the ſaid

ſaid *John Read* did attend and finiſh his examination before the major part of the ſaid commiſſioners, by the ſaid commiſſion authoriſed, according to the directions of the ſaid laſt mentioned act. And upon ſuch his examination made a full diſcovery and diſcloſure of his eſtate and effects, and in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly according to the directions of the ſaid act made in the fifth year of his ſaid late Majeſty's reign, and there doth not appear to us any reaſon to doubt of the truth of ſuch diſcovery, or that the ſame is not a full diſcovery of all the eſtate and effects of the ſaid *John Read*.

The Lord Chancellor's Order upon the Certificate.

Wedneſday, the 16th Day of *December*, 1778.

Lord Chancellor.

In the matter of *John Read*, a bankrupt.

Lord Chancellor's order upon commiſſioners certificate.

Whereas the ſaid bankrupt did, on this ſixteenth day of *December* inſtant, prefer his petition to me, ſhewing, that in obedience to my order, bearing date the eighth day of *December* inſtant, made upon the petition of the petitioner, the major part of the commiſſioners named in and acting under a commiſſion of bankrupt, awarded and iſſued

iſſued againſt the petitioner, met and examined the proceedings taken under the ſame, and had by certificate under their hands and ſeals, bearing date the fifteenth day of *December* inſtant, certified to me that the petitioner had in all things conformed to the ſeveral ſtatutes made, and then in force concerning bankrupts: And therefore praying that I would order an advertiſement to be inſerted in the *London Gazette*, ſetting forth that the petitioner's certificate would be allowed by me, purſuant to an act of parliament, made in the eighteenth year of his preſent Majeſty's reign, intituled "An act for the relief of inſolvent debtors, and for the relief of bankrupts in certain caſes," unleſs cauſe be ſhewn to the contrary. Now upon reading the ſaid petition, I do order that an advertiſement be inſerted in the *London Gazette*, for the allowance of the petitioner's certificate, purſuant to an act of parliament, made and paſſed in the eighteenth year of the reign of his preſent Majeſty, intituled "An act for the relief of inſolvent debtors, and for the relief of bankrupts in certain caſes."

Thurlow, C.

Affidavit

Affidavit of Bankrupt's Conformity to ſupport his Petition.

In Chancery.

In the matter of *John Read*, a bankrupt.

Affidavit of bankrupt's conformity under inſolvent act.

John Read, formerly of *South Mims*, in the county of *Middleſex*, dealer and chapman, but now of *Barking*, in the county of *Eſſex*, baker, maketh oath, that on the day of in the year of our Lord 177 , a commiſſion of bankrupt was awarded and iſſued againſt this deponent, directed to certain commiſſioners therein named, to which commiſſion this deponent duly appeared and finiſhed his examination, and hath in all things conformed to the ſeveral acts now in force concerning bankrupts, by his this deponent's ſurrender and ſubmiſſion to ſuch commiſſion, and hath not been committed for any act of contumacy or non-conformity.

Sworn, &c.

Certificate

Certificate for a Judge or Juſtice of Peace to grant his Warrant for apprehending and committing a Bankrupt.

In the matter of *John Thomas*, bankrupt.

We whoſe names are hereunto ſubſcribed, and ſeals ſet, do hereby certify, that a commiſſion of bankrupt, under the great ſeal of *Great Britain*, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, bearing date at *Weſtminſter*, the day of *June* inſtant, hath been awarded and iſſued againſt *John Thomas*, of, &c. and directed to *William Bumpſtead*, *Henry Hunter*, *Henry Ruſſel*, and *Henry Cowper*, Eſquires, and *Richard Hargrave*, Gentleman, thereby giving full power and authority to four or three of them, to execute the ſame. And we do further certify, that we being the major part of the commiſſioners, by the ſaid commiſſion authoriſed, have proceeded in the execution of the ſaid commiſſion, and have found, upon the due examination of witneſſes, and other good proof upon oath before us had and taken, that the ſaid *John Thomas*, before the date and ſuing forth of the ſaid commiſſion, became bankrupt, to all intents and purpoſes, within the compaſs, true intent, and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, or within ſome or one of them, before the date and ſuing forth of the ſaid commiſſion. Given under our hands and ſeals at

Serle's

Serle's Coffee-houſe, *Lincoln's Inn*, in the county of *Middleſex*, this day of *June*, in the year of our Lord 17

Witneſs
John Knight.

William Bumpſtead. (L. S.)
Henry Hunter. (L. S.)
Henry Ruſſel. (L. S.)

The execution of this certificate muſt be proved by the ſubſcribing witneſs before the judge or juſtice, previous to his granting his warrant.

Lord

Lord Apſley's Order.

Lord Chancellor. The 12th *Feb.* 1774.

Ordo Curiæ.

THERE having been of late many commiſſions of bankrupt, fraudulently taken out with intent to deceive honeſt creditors, whereby the good intent of the bankrupt laws has been in ſome meaſure defeated; in order to prevent, as far as may be, the like frauds and miſdoing for the future, I do hereby order and direct the ſecretary for the commiſſions of bankrupts, forthwith to ſignify to the gentlemen named in the ſeveral ſtanding liſts of commiſſioners, that it is my deſire and recommendation to them, to be careful in examining into the reality of the debts of the petitioning creditors coming to prove their debts under the commiſſions, and in caſe it be a ſingle commiſſion, to enquire whether the bankrupt was concerned in any, and what partnerſhip at the time of his bankruptcy; and in caſe the ſame be a joint commiſſion, then to enquire of how long ſtanding the partnerſhip has been, and whether any ſeparate commiſſion has before iſſued, and be then depending againſt either, and which of the ſaid partners; and that they do likewiſe in all caſes enquire, whether the bankrupt ever, and how long before, had obtained a certificate under any former commiſſion, or been diſcharged under any act for the relief of inſolvent debtors; and in caſe upon ſuch enquiries they have reaſon to

apprehend that the bankrupt in a ſingle commiſſion has been concerned in any partnerſhip, or that a ſeparate commiſſion has before iſſued againſt either of the bankrupts in a joint commiſſion, or that the bankrupt has before obtained his certificate under a former commiſſion, or been diſcharged by any act for the relief of inſolvent debtors, that the commiſſioners do proceed upon ſuch enquiry, and to hear the evidence thereon, in the preſence of the bankrupt, who is to be informed of the ſubject of the enquiry, and be at liberty to lay evidence before them relating thereto; and in caſe any of the matters aforeſaid do appear to them, that they do at the ſame time of making their certificate, alſo ſeparately certify to me ſuch of the aforeſaid matters as they find to be true, and that they tranſmit ſuch ſeparate certificate to the ſecretary of bankrupts, to be laid before me at the ſame time with the other certificate. I do alſo order, that when any commiſſion is applied for, the ſecretary do examine whether any previous application has been made, and by whom, for a commiſſion againſt the ſame perſons, and that he do give notice thereof by letter to the commiſſioners to whom the commiſſion is directed, that they may enquire into the ſame; I do further order, that when any certificate is brought to the ſecretary in order for him to get any allowance thereof, he do ſearch for and certify to me, whether he can find any previous certificate having been before allowed to the ſame bankrupt. I do alſo order that when any commiſſion has iſſued, and the commiſſioners have not found the perſon againſt whom it iſſued to be a bankrupt,

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in caſe another commiſſion be granted (whether on the petition of the ſame, or any other creditor) the ſecretary do take care that ſuch ſecond commiſſion be directed to the ſame commiſſioners, to whom the firſt commiſſion was directed. I do alſo order that the ſecretary never deliver out any affidavit made, or bond given by any petitioning creditor, without my particular order for his ſo doing. And laſtly, I do order and declare, that a docquet being ſtruck, and no commiſſion iſſued thereon, ſhould in no caſe prevent the iſſuing of a commiſſion on the petition of any other creditor; ſo as ſuch ſecond application be not made in leſs than four days after ſuch docquet ſtruck, excluſive of the ſaid day of ſtriking the ſame; any former practice to the contrary notwithſtanding.

Apſley, C.

Wedneſday, 26th June, 1793.

WHEREAS, by the practice which hath obtained for ſome years paſt, eight gazettes muſt have been publiſhed after the iſſuing a commiſſion of bankrupt, before any other perſon than the attorney who ſued out ſuch commiſſion can procure the ſame to be ſuperſeded for want of proſecution: AND WHEREAS the time ſo allowed for proſecuting ſuch commiſſions as are to be executed in the City of *London* is found to be unneceſſarily long, and the preference which the attorney ſuing out ſuch commiſſion obtains in ſuperſeding the ſame for want of proſecution, and conſequently in ſuing out another commiſſion upon the petition of ſome other creditor, immediately after ſuch *Superſedeas*, hath been likewiſe found to be prejudicial to the due courſe of proceeding in the ſuing out and proſecuting commiſſions of bankrupt: I DO THEREFORE ORDER, that any commiſſion of bankrupt which ſhall be ſued out from and after the twenty-ſixth day of *June* inſtant, and to be executed in the City of *London*, ſhall be ſuperſedable (for want of proſecution) at the expiration of fourteen days, and not ſooner, after the date thereof; and that any commiſſion of bankrupt which ſhall be ſued out from and after the ſaid twenty-ſixth day of *June* inſtant, and not to be executed in the City of *London*, ſhall be ſuperſedeable for want of proſecution at the expiration of twenty-eight days,

and not ſooner, after the date thereof. AND I DO FURTHER ORDER, that one day ſhall elapſe after the expiration of the ſaid fourteen or twenty-eight days, before any order ſhall be made for ſuch *Superſedeas*; and that the application which ſhall in the courſe of that day be firſt made by any other attorney or ſolicitor than the attorney or ſolicitor at whoſe inſtance the ſuperſedeable commiſſion was iſſued, for a *Superſedeas* of ſuch commiſſion, and for a new commiſſion to be iſſued, ſhall be preferred to an application for the ſame purpoſes by the attorney or ſolicitor who ſued out ſuch ſuperſedeable commiſſion.

Loughborough, C.

8th March, 1794.

WHEREAS by the act of parliament made and paſſed in the fifth year of the reign of his late Majeſty, King *George* the Second; intituled, An Act to prevent the committing of Frauds by Bankrupts; It is enacted, "That before the creditors ſhall proceed to "the choice of an aſſignee or aſſignees of any bank-"rupt's eſtate, the major part in value of the ſaid "bankrupt's creditors then preſent, ſhall, if they think "fit, direct in what manner, how, and with whom, "and where the monies ariſing by, and to be received "from time to time, out of the bankrupt's eſtate, "ſhall be paid in and remain until the ſame ſhould

"be divided among all the creditors." AND WHEREAS it hath been found, that for want of ſuch direction being given under all commiſſions of bankrupt, large ſums of money remain in the hands of aſſignees, and that they delay the dividing thereof, to the great prejudice of the bankrupt's creditors: For remedy whereof, I DO HEREBY ORDER, That in every commiſſion of bankrupt in which the major part in value of the bankrupt's creditors preſent at the choice of an aſſignee or aſſignees of the bankrupt's eſtate, ſhall not give the direction ſo ſpecified in the ſaid act, the aſſignee or aſſignees ſhall, from time to time, pay into the Bank of England all monies which ſhall be got in and received from the bankrupt's eſtate, as often as the ſame ſhall amount to one hundred pounds, there to remain until the ſame ſhould be divided amongſt the bankrupt's creditors; and that in the aſſignment to be made by the commiſſioners to the aſſignee or aſſignees, to be choſen under every commiſſion of bankrupt, a covenant be inſerted on the part of ſuch aſſignee or aſſignees, to pay the ſame conformably either to the direction of the creditors under the ſaid act of parliament, or to this my order, as the caſe may be. AND WHEREAS by the ſame act, a firſt dividend is directed to be made of the bankrupt's eſtate and effects, after the expiration of four months, and within twelve months from the time of iſſuing the commiſſion, and a ſecond dividend is, by the ſame act, directed to be made within eighteen months next after iſſuing of the commiſſion: AND WHEREAS aſſignees under commiſſions of bankrupt, do frequently neglect to

See ante, p. 86. a covenant for this purpoſe, which by leaving a blank for the name will apply to either the caſe of a private banker or the Bank of England, as occaſion may require.

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comply with ſuch the directions of the ſaid act, to the great injury of the creditors of bankrupts, I DO THEREFORE ORDER, That in all caſes where it ſhall appear to the commiſſioners, that the directions of the ſaid act have not been complied with, they do cauſe due notice to be given in the *London Gazette*, and in ſuch other of the public papers as the commiſſioners ſhall think fit, of a time and place for the aſſignee or aſſignees under ſuch commiſſion, to attend, to ſhew cauſe why a dividend has not been made agreeably to the directions of the ſaid act: And if ſuch aſſignee or aſſignees ſhall not then and there ſhew cauſe, to the ſatisfaction of the commiſſioners, why a dividend has not been made agreeably to the directions of the ſaid act, I DO ORDER, That the commiſſioners preſent at ſuch meeting, do then and there appoint the time and place when and where they will meet to make ſuch dividend; and that they do cauſe due notice to be given of ſuch meeting.

Loughborough, C.

8th March, 1794.

WHEREAS the preſenting and bringing to a hearing petitions for liberty to prove ſeparate debts, under a joint commiſſion of bankrupt, or for the choice of a new aſſignee or new aſſignees, upon the death or bankruptcy of an aſſignee or aſ-

ſignees; or for taking an account of the principal, intereſt, and coſts due upon mortgage of the bankrupt's eſtate, and for ſale of the eſtate for payment thereof, and to prove the deficiency as a debt under the commiſſion, tends to create unneceſſary expence and delay; I DO THEREFORE ORDER, that the commiſſioners in a joint commiſſion againſt two or more bankrupts, ſhall be at liberty, at any meeting or meetings for the proof of debts under ſuch commiſſion, to admit the proof of any ſeparate debt or ſeparate debts of any one or more of ſuch bankrupts, under ſuch joint commiſſion; and ſuch ſeparate creditors ſhall be at liberty to aſſent to, or diſſent from, the allowance of the certificate of the bankrupt or bankrupts, of whom they ſhall be ſeparate creditors. AND I DO FURTHER ORDER, that the commiſſioners do cauſe diſtinct accounts to be kept of the joint eſtate, and alſo of ſuch ſeparate eſtate or eſtates; and that what ſhall be found to belong to the ſeparate eſtate or eſtates, ſhall be applied, in the firſt place, in or towards ſatisfaction of the debts of the reſpective ſeparate creditors; and in caſe there ſhall be any overplus of the joint eſtate, after all the joint creditors ſhall be paid and ſatisfied their whole demands, that the ſhare or ſhares, intereſt or intereſts of the bankrupt or bankrupts, whoſe ſeparate eſtate or eſtates is, or are to be applied in manner before directed in ſuch overplus, be carried to the account of his or their ſeparate eſtate or eſtates, and be applied in or towards ſatisfaction of his or their ſeparate debts; and in caſe there ſhall be any overplus of the ſeparate eſtate or eſtates of ſuch bankrupt or bankrupts,

after

after all their ſeparate creditors ſhall be paid and ſatisfied their whole demands, that the overplus of ſuch ſeparate eſtate or eſtates, be carried to the account of the joint eſtate, and be applied in or towards ſatisfaction of the joint debts; and that the coſts of taking ſuch accounts be paid out of ſuch ſeparate eſtate or eſtates, and be ſettled by the commiſſioners, in caſe the parties differ about the ſame. AND I DO FURTHER ORDER, that in caſe an aſſignee or aſſignees of any bankrupt or bankrupts, ſhall become bankrupt after the date of this my order, ſuch bankrupt, aſſignee or aſſignees, ſhall be removed, and ſhall be no longer an aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt or bankrupts; and that upon the death, or bankruptcy, which ſhall from henceforth happen of any aſſignee or aſſignees, upon application made to the major part of the commiſſioners named in the commiſſion, and ſigned by any one or more of the creditors who have or hath proved a debt or debts under the ſaid commiſſion, and who is or are entitled to vote in the choice of aſſignees, the commiſſioners ſhall cauſe due notice to be given in the *London Gazette*, and in ſuch other of the public papers as they ſhall think fit, of the time and place when and where they ſhall proceed to the choice of a new aſſignee or aſſignees, in the room and ſtead of the ſaid deceaſed or bankrupt aſſignee or aſſignees. AND I DO ORDER, that the creditors who ſhall be preſent at ſuch meeting, and who are intitled to vote in the choice of aſſignees, and any perſon or perſons duly authorized by any ſuch creditor or creditors not preſent at ſuch meeting, do then

then and there proceed to ſuch choice accordingly; and after ſuch new aſſignee or aſſignees ſhall have been ſo choſen, I DO ORDER, that all proper parties do join in an aſſignment of the eſtate and effects of the ſaid bankrupt or bankrupts, ſo as that the ſame may be duly veſted in the new aſſignee or aſſignees, and in the ſurviving or ſolvent aſſignee or aſſignees (if any ſuch there be). AND I DO FURTHER ORDER, that when the aſſignee or aſſignees of any bankrupt or bankrupts ſhall have become bankrupt, the commiſſioners named in the commiſſion or commiſſions againſt ſuch aſſignee or aſſignees, do proceed to take an account of the eſtate and effects of the bankrupt or bankrupts come to the hands of the aſſignee or aſſignees, who ſhall have ſo become bankrupt, and of his or their aſſignee or aſſignees, or to the hands of any perſon or perſons by their or any of their order, or for their or any of their uſe; in the taking of which account the commiſſioners are to make to all parties all juſt allowances. AND I DO FURTHER ORDER, that ſuch parts of the eſtate or effects of the bankrupt or bankrupts whoſe aſſignee or aſſignees ſhall have ſo become bankrupt, as ſhall be then remaining in ſpecie; and alſo all books, papers, and writings, in the cuſtody or power of the ſaid bankrupt aſſignee or aſſignees, or of his aſſignee or aſſignees, relating to the ſaid bankrupt or bankrupts, or his or their eſtate or effects, be delivered over to the new aſſignee or aſſignees (if any ſuch ſhall have been choſen), and the ſolvent aſſignee or aſſignees, if any ſuch there be, or to the ſolvent aſſignee or aſſignees

if

if no new aſſignee or aſſignees ſhall have been then choſen: and that ſuch new aſſignee or aſſignees if any ſuch ſhall have been then choſen; and the ſolvent aſſignee or aſſignees (if any ſuch there be) or the ſolvent aſſignee or aſſignees only, if ſuch new aſſignee or aſſignees ſhall not have been choſen, be admitted creditors under the commiſſion or commiſſions againſt ſuch bankrupt aſſignee or aſſignees, for what ſhall be ſo found due from the eſtate or effects of ſuch bankrupt aſſignee or aſſignees; and for the better taking the account before directed, all parties are to be examined upon interrogatories or otherwiſe, as the commiſſioners ſhall think fit; and are to produce upon oath before the ſaid commiſſioners, all books, papers, and writings, in their or any of their cuſtody or power, relative to the ſaid bankrupt or bankrupts, or his or their eſtate or effects, as the commiſſioners ſhall direct. AND I DO FURTHER ORDER, that upon application to the major part of the commiſſioners named in any commiſſion of bankrupt, by any perſon or perſons claiming to be a mortgagee or mortgagees of any part of the bankrupt's eſtate or effects, the ſaid commiſſioners ſhall proceed to enquire whether ſuch perſon or perſons is or are a mortgagee or mortgagees of any part of the bankrupt's eſtate or effects, and for what conſideration, and under what circumſtances; and if the commiſſioners ſhall find ſuch perſon or perſons is or are a mortgagee or mortgagees of any part of the bankrupt's eſtate or effects, and no ſufficient objection ſhall appear to the title of ſuch mortgagee or mortgagees to the

the ſum claimed by him or them under ſuch mortgage or mortgages, that the commiſſioners do then proceed to take an account of the principal, intereſt, and coſts, due upon ſuch mortgage or mortgages, and of the rents and profits of the mortgaged premiſes received by ſuch mortgagee or mortgagees, or by any other perſon or perſons, by his, their, or any of their order, or for his, their, or any of their uſe, in caſe ſuch mortgagee or mortgagees ſhall have been in poſſeſſion of the mortgaged premiſes, or of any part thereof; and that the commiſſioners do then cauſe due notice to be given in the *London Gazette*, and in ſuch other of the public papers as they ſhall think fit, when and where the ſaid mortgaged premiſes are to be ſold, before them, or by public auction at any other place or places, if they ſhall ſo think fit; and that ſuch ſale be made accordingly. AND I DO FURTHER ORDER, that all proper parties do join in the conveyance or conveyances to the purchaſer or purchaſers, as the ſaid commiſſioners ſhall direct. AND I DO FURTHER ORDER, that the monies to ariſe from ſuch ſale, be applied, in the firſt place, in payment of the expences attending ſuch ſale, and then in payment and ſatisfaction of what ſhall be found due to ſuch mortgagee or mortgagees, for principal, intereſt, and coſts; and that the ſurplus of the ſaid monies (if any) be paid to the aſſignees of the eſtate and effects of the ſaid bankrupt: but in caſe the monies to ariſe from ſuch ſale ſhall be inſufficient to pay and ſatisfy what ſhall be ſo found due to ſuch mortgagee or mortgagees, I DO ORDER, that ſuch mortgagee

gagee or mortgagees be admitted a creditor or creditors under ſuch commiſſion for ſuch deficiency, and to receive a dividend or dividends thereon, out of the bankrupt's eſtate or effects, rateably, and in proportion with the reſt of the creditors ſeeking relief under the ſaid commiſſion; but ſo as not to diſturb any dividend or dividends then already made: and for the better making ſuch enquiry, and taking ſuch account as aforeſaid, and making a title to ſuch purchaſer or purchaſers, I DO ORDER, that all parties be examined by the ſaid commiſſioners upon interrogatories or otherwiſe, as the commiſſioners ſhall think fit, and do produce before the ſaid commiſſioners upon oath, all deeds, papers, and writings, in their reſpective cuſtody or power, relating to the eſtate or effects of the ſaid bankrupt or bankrupts, as the commiſſioners ſhall direct.

Loughborough, C.

LIST

LIST of COMMISSIONERS.

First List.

JOHN Gaſcoyne Fanſhaw, Eſq. Barking, Eſſex
-Robert Alderſey, Eſq. 9. King's-Bench-Walks, Temple
James Allan Park, Eſq. 6. Carey-Street
Henry Blackſtone, Eſq. 10. King's-Bench-Walks, Temple
William Gould, Eſq. 15. Portugal-Street, Lincoln's-Inn

Second List.

William Dowdeſwell, Eſq. 6. King's-Bench-Walks, Temple
Henry Legge, Eſq. 3. Lincoln's-Inn Old Buildings
Charles Cowper, Eſq. over Piazza, Temple
John Henry Newbolt, Eſq. 94. Great Ruſſel-Street, Bloomſbury
Auguſtine Greenland, Gent. Carſhalton

Third List.

James Burrough, Eſq. 6. Figtree-Court-Paſſage, Temple
James Blackſtone, Eſq. 5. Lincoln's-Inn New Square
James York, Eſq. 3. Lincoln's-Inn New Square
Burton Morice, Eſq. 25. Lincoln's-Inn Old Buildings
John Pine Heath, Eſq. 6. Serjeant's-Inn, Chancery-Lane

Fourth List.

Sir Fred. Morton Eden, Bart. 11. Lincoln's-Inn-Fields
John Blake, Eſq. 12. Mancheſter-Buildings, Cannon-Row, near Weſtminſter Bridge
William Philipps, Eſq. 6. Queen's-Square, Weſtminſter
Robert Pemberton, Eſq. 12. Serle-Street
Joſeph Hickey, Gent. 14. Argyle-Street

Fifth List.

John Reeves, Eſq. 13. Cecil-Street, Strand
Richard Wooddeſon, Eſq. 15. Took's Court, Curſitor-Street
James Mure, Eſq. 12. Eſſex-Street, Strand
Nicholas Ridley, Eſq. 9. Holborn-Court, Gray's-Inn
Archibald Cullen, Eſq. 3. Lamb's-Buildings, Temple

Sixth

Sixth List.

John Nares, Esq. Rotation-Office, Shadwell
Edward Christian, Esq. 3. Lincoln's-Inn New Square
Robert Talbot, Esq. 3. Elm-Court, Temple
Robert Capper, Esq. 19. Lincoln's-Inn Old Buildings
James Buller, Esq. 1. Cook's-Court, Serle-Street

Seventh List.

Henry Stebbing, Esq. 64. Chancery-Lane
John Topham, Esq. 10. Bedford-Row
Edward Sayer, Esq.
William Dundas, Esq. 10. Lincoln's-Inn New Square
Tomyns Dickens, Esq. 49. Essex-Street, Strand

Eighth List.

Richard Calvert, Esq. 25. Duke-Street, Manchester-Square
William Boscawen, Esq. Victualling-Office, Somerset-Place
Charles Bragge, Esq. 25. Queen's-Square
Arthur Onslow, Esq. 5. Essex-Court, Temple
Henry Gregg, Esq. 10. Lincoln's-Inn Old Buildings

Ninth List.

Samuel Compton Cox, Esq. 21. Lincoln's-Inn Old Buildings
John Halkett, Esq. 8. Lincoln's-Inn Old Buildings
Osborn Markham, Esq. 2. Serle-Street
James Martin, Gent. 1. Essex-Court, Temple
James Seton, Gent. 12, George-Street, York-Buildings

Tenth List.

Charles Nalson Cole, Esq. 5. Edward-Street, Cavendish-Square
Thomas Evance, Esq. 10. King's-Bench-Walks, Temple
Walter Pye, Esq. 1. New-Court, Temple
William Randall, Esq. 3. Gray's-Inn-Place
Philip Neve, Esq. 17. Furnival's-Inn

Eleventh List.

Andrew Hudleston, Esq. 2. Gray's-Inn-Square
Peter Johnston, Esq. 29. Percy-Street

Henry

Henry Hall, Eſq. 63. Lamb's-Conduit-Street
Edmund Henry Luſhington, Eſq. 1. Garden-Court, Temple
John Willington, Gent. 3. King's-Bench-Walks, Temple

Twelfth Liſt.

Randle Ford, Eſq. 24. Bloomſbury-Square
John Colthorpe Gough, Eſq. 9. Lincoln's-Inn New Sq.
John Bowles, Eſq. 13. Holborn-Court, Gray's-Inn
Arthur Murphy, Eſq. 70. St. Martin's-Lane
Peter Still, Gent. 5. Lincoln's-Inn New Square

Thirteenth Liſt.

Michael Dodſon, Eſq. 8. Boſwell-Court, Carey-Street
Edward Finch Hatton, Eſq. 7. Lincoln's-Inn Old Buildings
Robert Comyn, Eſq. 2. Hare-Court, Temple
Charles Warren, Eſq. 3. Stone-Buildings
George Daniel Hervey, Eſq. 37. Eaſt-Street, Red-Lion-Square

Fourteenth Liſt.

Charles Short, Eſq. 6. Stone-Buildings
Giffin Willſon, Eſq. 1. Serle-Street, Lincoln's-Inn-Fields
Archibald Elijah Impey, Eſq. 4. King's-Bench-Walks, Temple
Alured Henry Shove, Eſq. 4. Lincoln's-Inn Old Buildings
Montague Farrer Anſlie, 8. Gray's-Inn-Square

Meſſengers.

David Caddell, 2. Quality-Court, Chancery-Lane
Thomas Vaughan, 16. Chancery-Lane
John Wells, 1. Quality-Court, Chancery-Lane
Thomas Nixon, 4. Symond's-Inn
John Chambers, 9. Quality-Court, Chancery-Lane
Joſeph Hartop, at the Baptiſt-Head Coffee-Houſe, Chancery-Lane
Lionel Winſhip, 26. Chancery-Lane

END OF THE SECOND VOLUME.

STATUTES

RELATING TO

BANKRUPTS.

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STATUTES.

Concerning the Commiſſion.

See Title Act of Bankruptcy.
4 G. 3. c. 33. ſ. 1.

13 *ELIZ. c. 7. ſ. 2.* The Lord Chancellor, or Lord Keeper, upon every complaint made to him in writing, ſhall have full power and authority, by commiſſion under the Great Seal of *England*, to name, aſſign and appoint, ſuch wiſe and honeſt diſcreet perſons as to him ſhall ſeem good, who ſhall take order for the bankrupt's body, lands, and goods.

The Lord Chancellor may grant a commiſſion to ſuch perſons as to him ſhall ſeem good.

1 *J. 1. c. 15. ſ. 3.* The like commiſſions, orders, benefits, and remedies which are and be provided and limited by the 13 *Eliz.* againſt any bankrupt therein deſcribed, ſhall be had, purſued, taken, and expounded againſt ſuch perſons as are herein expreſſed to be bankrupts.

1 *J. 1. c. 15. ſ. 17.* If after any commiſſion of bankrupt ſued forth, and dealt in by the commiſſioners, the offender happen to die before the commiſſioners ſhall diſtribute the goods, lands, and debts of the offenders, or any of them, by force of the ſtatute 13 *Eliz.* and this ſtatute, or either of them, the commiſſioners ſhall and may proceed in execution in and upon the ſaid commiſſion for and concerning the offender's goods, &c. in ſuch ſort as they might have done if the party offender were living.

21 *J.* 1. *c.* 19. *ſ.* 3. a repetition of the 1 *J.* 1. *c.* 15. *ſ.* 3. applied to perſons deſcribed in this act.

21 *J.* 1. *c.* 19. *ſ.* 15. This act, and all other acts of parliament heretofore made againſt bankrupts, ſhall extend to ſtrangers born, as well aliens as denizens, as effectually as to the natural-born ſubjects, both to make them ſubject to the laws as bankrupts, as alſo to make them capable of the benefit or contribution as creditors by thoſe laws.

5 *G.* 2. *c.* 30. *ſ.* 23. *For preventing the taking out commiſſions of bankrupt maliciouſly.* No commiſſions ſhall be awarded and iſſued out againſt any perſon, upon the petition of one or more creditors, unleſs the ſingle debt of the creditor, or of two or more perſons being partners, petitioning for the ſame, do amount to the ſum of one hundred pounds or upwards; or unleſs the debt of two creditors ſhall amount to one hundred and fifty pounds or upwards; or unleſs the debt of three or more creditors ſhall amount to two hundred pounds or upwards; and the creditor petitioning for ſuch commiſſion ſhall, before the ſame ſhall be granted, make an affidavit, or (being one of the people called *Quakers*) make a ſolemn affirmation in writing before one of the Maſters of the High Court of Chancery, of the truth and reality of ſuch his debt; and likewiſe give bond to the Lord Chancellor, Lord Keeper, or Commiſſioners of the Great Seal for the time being, in the penalty of two hundred pounds, to be conditioned for proving his debt, as well before the commiſſioners named in ſuch commiſſion, as upon a trial at law, in caſe the due iſſuing forth of the ſame ſhall be conteſted and tried; and alſo for proving

One creditor for £. 100, Two creditors for £. 150, more than two for £. 200, may petition for a commiſſion.

Creditor to make affidavit of debt;

and give bond to the Lord Chancellor, &c. for duly proceeding.

proving the party a bankrupt at the time of taking out ſuch commiſſion, and further to proceed on ſuch commiſſion. And if ſuch debt ſhall not be really due or owing, or if after ſuch commiſſion taken out, it cannot be proved that the party was a bankrupt at the time of the iſſuing of the ſaid commiſſion; but on the contrary it ſhall appear that ſuch commiſſion was taken out fraudulently or maliciouſly, that then the Lord Chancellor, Lord Keeper, or Commiſſioners of the Great Seal for the time being, ſhall and may, upon petition of the party grieved, examine into the ſame, and order ſatisfaction to be made to him for the damages by him ſuſtained; and for the better recovery thereof may, in caſe there be occaſion, aſſign ſuch bond or bonds to the party ſo petitioning, who may ſue for the ſame in his name.

Bond may be aſſigned by order of Lord Chancellor.

By 5 *G.* 2. *c.* 30. *ſ.* 25. The creditor or creditors who ſhall petition for, and obtain any commiſſion of bankrupt, ſhall be, and is, and are, hereby obliged, at his, her, or their own coſts and expences, to ſue forth and proſecute the ſame, until aſſignees ſhall be choſen; and the commiſſioners ſhall, at the meeting which ſhall be appointed for the choice of aſſignees, aſcertain ſuch coſts; and ſhall, by writing under their hands, direct and order the aſſignees to pay and reimburſe ſuch petitioning creditor the coſts and charges, out of the firſt money or effects of the bankrupt that ſhall be got in and received under the commiſſion.

The charge of the commiſſion to the ſecond meeting to be paid by the petitioning creditor, who is to be repaid by the aſſignees ſuch ſum as ſhall be aſcertained by the commiſſioners.

5 *G.* 2. *c.* 30. *ſ.* 41. And whereas commiſſions of bankrupt, and the depoſitions taken before the commiſſioners of bankrupt, and the proceedings

Proceedings may be enrolled.

upon ſuch commiſſions, are moſt commonly kept by ſuch perſons as act as clerks, or ſecretaries to ſuch commiſſioners, and by reaſon of the death of ſuch clerks, or ſecretaries, are many times loſt, and miſlaid, by means whereof ſuch perſons as have or may purchaſe any meſſuages, lands, tenements, or hereditaments, under any commiſſion, grounded upon the ſtatutes made concerning bankrupts, may be diſabled to make out their right and title to the ſame. And there being no certain place, where the creditors of any bankrupt, or any perſon or perſons claiming any eſtate or intereſt, in any meſſuages, lands, tenements or hereditaments, by, or under any ſuch commiſſion as aforeſaid, can have recourſe to ſuch commiſſion, and the proceedings thereupon. And ſuch commiſſions, depoſitions, and proceedings, in caſe they can be produced, are not at preſent of record, nor can be given in evidence; which may be of very ill conſequence to ſuch purchaſers, or perſons claiming as aforeſaid. Be it therefore enacted, that upon the petition of any perſon or perſons to the Lord Chancellor, Lord Keeper, or Commiſſioners for the cuſtody of the Great Seal of *Great Britain*, praying that ſuch commiſſions, and depoſitions taken thereon, or any part of ſuch depoſitions, and ſuch certificates, ſo to be allowed and confirmed, as aforeſaid, or any certificate heretofore allowed and confirmed, or any other matters or things relating to the ſaid commiſſions, or the proceedings thereupon, may be entered of record, the Lord High Chancellor, Lord Keeper, or Commiſſioners of the Great Seal, ſhall and may direct and order ſuch commiſſions, depoſitions,

ſitions, proceedings and certificates, or other matters, or things, to be entered of record; and in caſe of the death of the witneſſes, proving ſuch bankruptcy, or in caſe the ſaid commiſſions, depoſitions, proceedings, or other matters, or things ſhall be loſt, or miſlaid, a true copy of the record of ſuch commiſſions, depoſitions and proceedings, or other matters, or things, ſigned and atteſted as hereinafter is mentioned, ſhall and may upon all occaſions be given in evidence, to prove ſuch commiſſion, and the bankruptcy of ſuch perſon, againſt whom ſuch commiſſion hath been, or ſhall be awarded, or other matters or things; any law, uſage or cuſtom, to the contrary notwithſtanding. And all certificates which have been allowed, and confirmed, or to be allowed and confirmed, and entered of record, as aforeſaid, or a true copy of every certificate, ſigned and atteſted, as hereinafter is mentioned, ſhall, and may be given in evidence, in any of his majeſty's courts of record, and be without any further proof deemed, adjudged, and taken to be a full and effectual bar, and diſcharge of and againſt, any action or ſuit which ſhall be commenced, or brought by any creditor or creditors, of ſuch bankrupt, for any debt or demand, contracted, due, or demandable, before the iſſuing of ſuch commiſſion, unleſs any creditor or creditors of the perſon that hath ſuch certificate ſhall prove that ſuch certificate was fraudulently obtained; in which caſe, coſts ſhall be allowed to either party, as in other common caſes. And to the end any creditor, or other perſon or perſons may know where to ſearch, and ſee whether ſuch commiſſion hath iſſued, and find what depoſitions have been

Certificates may be entered of record.

Record may be given in evidence.

taken by virtue thereof, and what proceedings have been thereupon, and whether the ſaid bankrupt hath made ſuch affidavit, or affirmation as aforeſaid, and whether ſuch certificates are entered of record as aforeſaid, and all other matters or things which ſhall be entered of record in purſuance of this act, the Lord high Chancellor, Lord Keeper or commiſſioners for the cuſtody of the Great Seal, ſhall appoint a certain proper place, near the Inns of court, where all, and every the matters aforeſaid, ſhall be entered of record, where all perſons ſhall be at liberty to ſearch and ſee if the ſame are duly entered of record; and the Lord Chancellor, Lord Keeper, or commiſſioners, ſhall, by a writing, under his or their hands, appoint a proper perſon who ſhall, by himſelf, or his ſufficient deputy, to be approved by the Lord high Chancellor, Lord Keeper, or Commiſſioners, by a writing, under his or their hands, enter of record ſuch commiſſions, depoſitions, proceedings and certificates, and other matters and things, and have the cuſtody of the entries thereof, and alſo appoint ſuch fee and reward, to be paid to ſuch perſon, for his labour and pains therein, as the Lord high Chancellor, Lord Keeper, or commiſſioners ſhall think reaſonable, not exceeding what is uſually paid in the like caſes; and that the perſon ſo to be appointed, and his deputy, ſhall continue to enter of record all and every the matters and things aforeſaid, and to have the cuſtody of the ſame, ſo long as he or they ſhall reſpectively behave themſelves well, in entering the ſame of record, and keeping ſuch entries, and ſhall not be removed, but by order

der in writing, under the hand of the Lord high Chancellor, Lord Keeper, or commiſſioners, on a good and ſufficient cauſe therein ſpecified; and in caſe ſuch perſon ſhall die, or be as aforeſaid removed, the Lord high Chancellor, Lord Keeper, or commiſſioners for the time being, ſhall and may, in writing, under his or their hands, appoint another perſon to enter the ſame, of record, who ſhall have the cuſtody of the entries thereof, and ſhall have and receive the like fee, and reward, for his labour and pains therein.

Commiſſions not to abate by the death of his majeſty.

5 *G.* 2. *c.* 30. *ſ.* 44. No commiſſion of bankrupt ſhall abate by the death of his majeſty, his heirs or ſucceſſors, but ſuch commiſſions ſhall continue in full force. And if it ſhall be neceſſary to renew any ſuch commiſſion by reaſon of the death of the commiſſioners named in ſuch commiſſion, ſo that a ſufficient number of commiſſioners ſhall not be living who can act therein, or for any other cauſe; in any ſuch caſe ſuch commiſſion ſhall be renewed, and but half of the fees, uſually paid upon granting or obtaining of commiſſions of bankrupt, ſhall be paid for any ſuch renewed commiſſions.

Renewed commiſſion.

Coſts ſubſequent to the choice of aſſignees to be taxed by the maſter.

5 *G.* 2. *c.* 30. *ſ.* 45. And to the end that commiſſions of bankrupt may be carried on and proſecuted with as little expence as reaſonably may be, be it enacted by the authority aforeſaid, That all bills of fees or diſburſements claimed or demanded by any ſolicitor, clerk, or attorney, employed under any commiſſion of bankrupt, ſhall be ſettled, adjuſted, and certified by one of the maſters of the Court of Chancery, and ſo much as the maſter

ſhall certify to be due to ſuch clerk, ſolicitor, or attorney, and no more, ſhall be paid by the aſſignee under ſuch commiſſion; and the maſter who ſhall ſettle and adjuſt ſuch bill ſhall have and receive, for his care in ſettling and adjuſting the ſame, as alſo for his certificate thereof, the ſum of 20 *s.* and no more.

The maſter's fee, 20 *s.*

Member of parliament trading may be a bankrupt.

4 *G.* 3. *c.* 33. *ſ.* 3. If any bankrupt do commit any act of bankruptcy, any creditor may ſue out a commiſſion, any privilege of parliament to the contrary notwithſtanding.

Concerning the petitioning Creditor's Debt.

7 GEO. 1. c. 31. ſ. 1. recites, That whereas merchants and other traders in goods have been very often obliged, and more eſpecially of late years, to ſell and diſpoſe of their goods and merchandize to ſuch perſons as have occaſion for the ſame, upon truſt or credit, and to take bills, bonds, promiſſory notes, or other ſecurities for their monies, payable at a future day, and the buyers of ſuch goods becoming bankrupts, and commiſſions of bankruptcy being taken out againſt them before the money upon ſuch bonds, notes, or other ſecurities became payable, it hath been a queſtion, whether ſuch perſons, giving ſuch credit on ſuch ſecurities, ſhould be let in to prove their debts, or be admitted to have any dividend or other benefit by the commiſſion before ſuch time as ſuch ſecurities became payable, which hath been a great diſcouragement to trade. For remedy whereof, be it enacted, that every perſon who ſhall give *credit on ſuch ſecurities as aforeſaid*, to any perſon who ſhall become bankrupt, upon a good and valuable conſideration *bonâ fide*, for any ſum of money, or other matter or thing whatſoever, *which ſhall not be due or payable at or before the time of ſuch perſon's becoming bankrupt*, ſhall be admitted to prove their reſpective bills, bonds, notes, or other ſecurities, promiſes or agreements for the ſame, in like manner as if they were made payable preſently, and not at a future day, and ſhall have a proportionable part, ſhare and dividend

Perſons taking bills, &c. payable in futuro, ſhall be admitted to prove.

Deducting 5 per cent. to be computed from the

time of the dividend to the time when the ſecurity would be payable.

dend of ſuch bankrupts eſtate in proportion to the other creditors of ſuch bankrupts, deducting only thereout a rebate of intereſt, and diſcounting ſuch ſecurities payable at future times, after the rate of 5*l. per cent.* for what he ſhall ſo receive, to be computed from the actual payment thereof to the time ſuch debt, duty, or ſum of money would have become payable, in and by ſuch ſecurities.

7 *G.* 1. *c.* 31. *ſ.* 3. But *no ſuch creditor ſhall petition* or join in any petition for ſuing forth any commiſſion of bankrupt *till ſuch debt become due.*

Perſons having bonds, &c. payable in futuro, may petition for commiſſions.

5 *G.* 2. *c.* 30. *ſ.* 22. reciting the above ſtatute, repeals ſo much of the act as diſables ſuch perſon from petitioning for or joining in any petition for a commiſſion againſt any perſon who has before committed any act of bankruptcy, and enacts that it may be *lawful for ſuch perſon to petition for or join in petitioning* for any ſuch commiſſion of bankruptcy.

Petitioning creditor's debt:

5 *G.* 2. *c.* 30. *ſ.* 23. For preventing the taking out commiſſions of bankrupt maliciouſly, enacts, that no commiſſion of bankrupt ſhall be awarded and iſſued out againſt any perſon, upon the petition of one or more creditors, unleſs the ſingle *debt of the creditor*, or of two or more perſons being partners, *petitioning* for the ſame, do amount to the ſum of 100*l.* or upwards; or unleſs the debt of two creditors ſo petitioning ſhall amount to 150*l.* or upwards; or unleſs the debt of three or more creditors ſhall amount to 200*l.* or upwards. See title **Commiſſion**, p. [2].

One creditor, 100*l.*; two creditors, 150*l.*; three creditors or more, 200*l.*

Concerning the Trading, &c.

THE firſt ſtatute made concerning bankrupts, was 34 *H.* 8. *c.* 34. this has been conſiderably altered by

13 *Eliz. c.* 7. *ſ.* 1. which enacts, That any merchant or other perſon, being ſubject or denizen, uſing or exerciſing the trade of merchandize by way of bargaining, exchange, rechange, bartry, cheviſance or otherwiſe, in groſs or by retail, or ſeeking his or her trade of living by buying and ſelling, that departs the realm, *&c.* ſhall be deemed a bankrupt. Deſcription of Trading to make a Bankrupt.

1 *J.* 1. *c.* 15. *ſ.* 2. All and every perſon and perſons uſing, or that ſhall uſe, the trade of merchandize by way of bargaining, exchange, bartry, cheviſance or otherwiſe, in groſs or by retail, or ſeeking his, her, or their trade of living by buying and ſelling, and being ſubject born or denizen, who ſhall depart the realm, *&c.* ſhall be accompted and adjudged a bankrupt to all intents and purpoſes.

21 *J.* 1. *c.* 19. *ſ.* 2. enacts, That every perſon that uſes the trade of merchandize, by way of bargaining, exchange, bartering, cheviſance or otherwiſe, in groſs or by retail, or ſeeking his or her living by buying and ſelling, or that ſhould uſe the trade or profeſſion of a ſcrivener receiving other mens monies or eſtates into his truſt and cuſtody, ſhall be liable to be a bankrupt. And it is provided, that this act, and all other acts heretofore made againſt bankrupts, ſhall extend to ſtrangers born, Deſcription of Perſons who may be bankrupt.

born, as well aliens as denizens, as effectually as to natural-born ſubjects, both to make them ſubject to the laws as bankrupts, as alſo to make them capable of the benefit, or contribution as creditors, by theſe laws.

Adventurers in the Eaſt India Company, and Guinea Company, not to be bankrupts.

13 and 14 *C.* 2. *c.* 24. It is enacted, that whereas divers noblemen and gentlemen, and perſons of quality no ways bred up to trade, do often put great ſtocks of money into the *Eaſt India* and *Guinea* company; no perſons adventurers for putting in money or merchandize into the ſaid companies, or for adventuring or managing the Fiſhing Trade, called the Royal Fiſhing Trade, ſhould be reputed or taken to be a merchant or trader, within any ſtatutes for bankrupts: Provided, that perſons trading in any other way or manner ſhould be liable to a commiſſion, as fully and not otherwiſe, as if the act had not been made.

Nor the Royal Fiſhing Trade.

7 and 8 *Wm.* 3. *c.* 31. No members of the land bank on that account to be ſubject to bankruptcy.

8 and 9 *Wm.* 3. *c.* 20. the ſame.

5 *Ann. c.* 13. the ſame.

Note. There are ſeveral other acts containing the ſame clauſe upon incorporating trading companies.

Bankers, Brokers and Factors, may be bankrupt.

5 *G.* 2. *c.* 30. *ſ.* 39. reciting, That whereas perſons dealing as bankers, brokers and factors, are frequently intruſted with great ſums of money, and with goods and effects of very great value, belonging to other perſons; it is provided that ſuch bankers, brokers, and factors ſhould be ſubject and liable to that and all other the ſtatutes made concerning bankrupts.

5 *G.* 2. *c.* 30. *ſ.* 40. it is enacted, That no farmer,

farmer, grazier, or drover of cattle, or any perſon or perſons who is or are, or ſhall be Receiver General of the taxes granted by act of parliament, ſhall be intitled as ſuch to any of the benefits given by this act; or be deemed a bankrupt within the ſame, or within any of the ſtatutes now in force concerning bankrupts,

Farmer, grazier, drover, Receiver General, not bankrupts as ſuch.

7 *Ann. c.* 12. *ſ.* 5. No merchant, or other trader within the deſcription of the ſtatute againſt bankrupts, who ſhall put himſelf into the ſervice of any ambaſſador or public miniſter, ſhall have any benefit of this act.

Traders in the ſervice of ambaſſadors not privileged.

Concerning the Act of Bankruptcy.

Acts of bankruptcy ſpecified.

13 ELIZ. *c.* 7. *ſ.* 1. If any merchant, &c. *depart* the realm, or begin to *keep* houſe, or *otherwiſe to abſent himſelf*, or take ſanctuary; or ſuffer himſelf willingly to be arreſted for any debt, or other thing, not grown or due for money delivered, wares ſold, or any other juſt or lawful cauſe, or good conſideration or purpoſe, or *ſuffer* himſelf to be outlawed, or *yield* himſelf to priſon, or *depart* from his dwelling-houſe to the intent or purpoſe to defraud or hinder any of his creditors of the juſt debts or duty of ſuch creditor, he ſhall be reputed, deemed, and taken for a bankrupt.

Further acts of bankruptcy ſpecified.

1 *J.* 1. *c.* 15. *ſ.* 2. repeats the ſeveral acts of bankruptcy declared in 13 *Eliz.* and adds, The *willingly*, or fraudulently procuring himſelf to be arreſted, or his goods, money or chattels to be *attached* or ſequeſtered, or the making or cauſing to be made any *fraudulent grant* or conveyance of his lands, tenements, goods, or chattels, to the intent, or whereby his creditors may be defeated or delayed from the recovering of their juſt and true debts; and alſo ſome others which have been ſince repealed by 10 *Ann. c.* 15.

Further acts of bankruptcy ſpecified.

21 *J.* 1. *c.* 19. *ſ.* 2. Any merchant, &c. who, by himſelf or others ſhall procure or obtain any

protection

protection other than ſuch perſon as ſhall be lawfully protected by privilege of parliament, *or exhibit unto his majeſty, or unto any of the king's courts, any petition or bill againſt his creditors to compel them to accept leſs than their juſt debts, or to procure longer time of payment than was given by the original contract*, or being arreſted for debt ſhall after this arreſt lie in priſon two months or more; upon that or any other arreſt or detention in priſon for debt, or being arreſted for the ſum of 100*l.* or more of juſt debt or debts, ſhall at any time after ſuch arreſt *eſcape* out of priſon, ſhall be accounted and adjudged a bankrupt to all intents and purpoſes, and in the ſaid caſe of arreſts or lying in priſon for debt from the time of the firſt arreſt.

Privilege of Parliament not to prevent the iſſuing of a commiſſion.
4 G. 3. c. 33. No ſuch bill can now be ſuſtained.

This ſtatute contains ſome other acts of bankruptcy repealed by the 10 *Ann. c.* 15.

5 *Geo.* 2. *c.* 30. *ſ.* 24. If any bankrupt, after iſſuing any commiſſion againſt him, pay to the perſon who ſued out the ſame, or otherwiſe give and deliver to ſuch perſon goods or any other ſatisfaction or ſecurity for his debt, whereby ſuch perſon ſhall privately have and receive more in the pound in reſpect of his debt than the other creditors, ſuch payment of money, &c. ſhall be ſuch an act of bankruptcy whereby, on good proof thereof, ſuch commiſſion ſhall and may be ſuperſeded, and it ſhall be lawful for the Lord Chancellor to award to any creditor petitioning another commiſſion. And ſuch perſon ſo taking ſuch ſatisfaction as aforeſaid ſhall forfeit and loſe as well his whole debt as the whole he ſhall have taken and received, and ſhall pay back or deliver up the ſame, or the full value thereof,

Compounding petioning creditor's debt, an act of bankruptcy.

Creditor receiving ſuch ſatisfaction forfeits his debt and the whole he received.

thereof, to ſuch perſon as the ſaid commiſſioners acting under ſuch new commiſſion ſhall appoint, in truſt for and to be divided amongſt the other creditors of the bankrupt in proportion to their reſpective debts.

Proceedings againſt perſons having privilege of parliament.

4 *Geo.* 3. *c.* 33. *ſ.* 1. Any ſingle creditor, or two or more creditors, being partners, whoſe debt ſhall amount to 100*l.* or upwards; or any two creditors whoſe debts ſhall amount to 150*l.* or any three or more creditors whoſe debts ſhall amount to 200*l.* of any perſon deemed a merchant, &c. having privilege of parliament, at any time upon affidavit being made and filed on record in any of his majeſty's courts at Weſtminſter, by ſuch creditors that ſuch debt is juſtly due; and that every ſuch debtor as they verily believe is a merchant, &c. may ſue out of the ſame court ſummons, or an original bill and ſummons againſt ſuch merchant, &c. and ſerve him with a copy thereof, and if ſuch merchant, &c. ſhall not, within two months after perſonal ſervice of ſuch ſummons, pay, ſecure, or compound for ſuch debt to the ſatisfaction of ſuch creditor, or enter into a bond in ſuch ſum, and with two ſuch ſufficient ſureties, as any of the judges out of that court out of which ſuch ſummons ſhall iſſue ſhall approve of, to pay ſuch ſum as ſhall be recovered in ſuch action, together with coſts, he ſhall be accounted and adjudged a bankrupt from the time of the ſervice of ſuch ſummons.

Concerning the Authority of the Commiſſioners.

THE 13 *Eliz. c.* 7. *ſ.* 2. The commiſſioners, or the moſt part of them, ſhall have full power and authority to take, by their diſcretions, ſuch order and direction with the body of ſuch perſon whereſoever he may be had, either in his houſe, ſanctuary, or elſewhere, as well by impriſonment of his body, as alſo with all his lands, tenements, hereditaments, as well copy or cuſtomary hold as freehold, which he ſhall have in his right before he became bankrupt, and alſo with all ſuch land, tenements and hereditaments as ſuch perſon ſhall have purchaſed or obtained for money or other recompence jointly with his wife, children or child, to the only uſe of ſuch offender, or of or for ſuch uſe, intereſt, right or title, as ſuch offender then ſhall have in the ſame, which he may lawfully depart withal, or with any perſon of truſt to any ſuch uſe of ſuch offender; and alſo with his money, goods, chattels, wares, merchandizes, and debts, whereſoever they may be found or known; and cauſe the ſaid lands, tenements, fees, annuities, offices, goods, chattels, wares, merchandizes and debts to be ſearched,

Commiſſioners may ſell the bankrupt's lands, &c. as well copyhold as freehold.

Lands, &c. purchaſed by the bankrupt jointly with his wife, &c. to the only uſe of the bankrupt, &c.

Money, goods, &c.

ed, viewed, rented, and appraiſed to the beſt value they may, and by deed indented, enrolled in one of the Queen's majeſty's courts of record, to make ſale of the ſaid lands, tenements, and hereditaments, and of all deeds, writings and evidences, touching only the ſame belonging to ſuch offender or debtor; and alſo of all fees, annuities, offices, goods and chattels, or otherwiſe to order the ſame for true ſatisfaction and payment of the ſaid creditors, that is to ſay, to every of the ſaid creditors a portion, rate and rate like, according to the quantity of his or their debts. And that every direction, order, bargain, ſale, and other things done by the ſaid perſons ſo authoriſed as is aforeſaid, in form aforeſaid, ſhall be good and effectual in the law to all intents, conſtructions and purpoſes againſt the ſaid offender or debtor, *his wife or heir*, child and children, *and ſuch perſon as* by ſuch joint purchaſes with the ſaid offender as is aforeſaid, have or ſhall have any eſtate or intereſt in the premiſſes, and againſt all other perſons claiming by, from, or under ſuch offender or debtor, by any act or acts had, made, or done, after any ſuch perſon ſhall become bankrupt as is aforeſaid, and alſo againſt the lords of the manors whereof the ſaid copyhold or cuſtomary lands be holden, their heirs, *&c.*

By deed indented and enrolled,

or otherwiſe diſpoſe of the ſame for payment of creditors;

every ſuch direction good againſt the bankrupt, his wife or heir, &c.

13 *Eliz. c. 7. ſ. 3.* Provided always, that all and every perſon to whom any ſuch ſale of copyhold or cuſtomary lands or tenement ſhall be made, ſhall before ſuch time as they ſhall enter or take any profit of the ſame land

Purchaſers of copyholds to pay the cuſtomary fine.

or tenements agree and compound with the lords of the manors of whom the ſame ſhall be holden for ſuch fines or incomes as heretofore hath been moſt uſual and accuſtomed to be yielded or paid therefore. And that upon every ſuch agreement or compoſition the ſaid lords, for the time being, at the next court to be holden at or for the ſaid manors, ſhall not only grant unto the ſaid vendee, upon requeſt, the ſame copy or cuſtomary lands or tenements, by copy of court roll of the ſame manors for ſuch eſtate or intereſt as to them ſhould be ſo ſold, and reſerving the antient rents, cuſtoms, and ſervices, but alſo in the ſame court admit them tenants of the ſame copy or cuſtomary lands as other copyholders.

Commiſſioners upon requeſt of the bankrupt to make a true declaration of the manner of beſtowing the lands, &c.

13 *Eliz. c.* 7. *ſ.* 4. And ſuch of the ſaid commiſſioners as ſhall put the ſaid commiſſion in execution, ſhall, upon lawful requeſt to them made by the ſaid bankrupts, not only make a true declaration to the ſaid bankrupts, of the employing and beſtowing of their ſaid lands, tenements, offices, fees, goods, chattels and debts, ſo paid and ſatisfied to their ſaid creditors, but alſo make payment of the overplus of the ſame, if any ſuch ſhall be, to the ſaid bankrupts, their executors, adminiſtrators and aſſigns.

and to pay the overplus to the bankrupt.

Upon complaint made to the commiſſioners by any party grieved, ſuſpecting the goods, &c. of the bankrupt to be in the poſſeſſion of any perſon, or any perſon to be indebted to the bankrupt.

By the 13 *Eliz. c.* 7. *ſ.* 5. it is enacted, That upon complaint made to the commiſſioners, by any party grieved as is aforeſaid, concerning the premiſſes, knowing, ſuppoſing or ſuſpecting any of the goods, chattels, wares, merchandizes, or debts, of ſuch offender or debtor, to be in the cuſtody, uſe, occupying, keeping, or poſſeſſion of any perſon, or any perſon indebted, or to be indebted

to any ſuch offender, do make relation thereof to the ſaid commiſſioners; the ſaid commiſſioners ſhall have full power and authority to ſend for and call before them, by ſuch proceſs, ways, or means, as they ſhall think convenient by their diſcretion, all ſuch perſons ſo known, ſuſpected, or ſuppoſed to have any ſuch goods, *&c.* in his or their cuſtody, uſe, occupation, keeping, or poſſeſſion, or ſuppoſed or ſuſpected to be indebted to ſuch offender; and upon their appearance to examine them and every of them, as well by their oaths as otherwiſe, by ſuch ways and means as the ſaid commiſſioners, or the more part of them by their diſcretions, ſhall think meet and convenient, for and upon the ſpeciality, certainty, true declaration and knowledge of all and ſingular ſuch goods, chattels, wares, merchandizes, and debts, of any ſuch offender as be ſuppoſed or ſuſpected to be in his or their cuſtody, uſe, occupation, or poſſeſſion, and all ſuch debts as by them or any of them, ſhall be ſuppoſed or ſuſpected to be owing to any ſuch offender or offenders.

the commiſſioners ſhall call before them ſuch perſons, &c.

and examine them.

13 *Eliz. c.* 7. *ſ.* 6. And if any ſuch perſon upon ſuch examination do not diſcloſe and plainly declare and ſhew the whole truth of ſuch things as he or they ſhall be examined of, concerning the premiſſes to his knowledge, or do deny to ſwear, then every ſuch perſon ſo denying to ſwear, or being examined, do not declare the plain and whole truth concerning the premiſſes, upon due proof thereof to be made before the ſaid commiſſioners, or the more part of them, by witneſs, examination or otherwiſe, as to the ſaid commiſſioners, or the more part of them ſhall ſeem ſufficient in

If ſuch perſon do not diſcloſe the truth, or do deny to ſwear,

that behalf, ſhall loſe and forfeit double the value of all ſuch goods, chattels, wares, merchandizes and debts, by them, or any of them ſo concealed, and not wholly and plainly declared and ſhewed, which forfeiture ſhall be levied by the ſaid commiſſioners, or the more part of them, of the lands, tenements, hereditaments, goods and chattels of ſuch perſon ſo denying to ſwear, or not diſcloſing the whole truth as is aforeſaid, and by ſuch ways and means, and in ſuch manner and form as is before limited and appointed for the principal offender or offenders, debtor or debtors; and the ſame forfeiture or forfeitures to be diſtributed or employed to and for the ſatisfaction and payment of the debts of the ſaid creditor or creditors, in ſuch like manner, rate and form as is before declared concerning the ordering of the lands and tenements, offices, fees, goods, and chattels of ſuch offender or offenders, debtor or debtors, as is aforeſaid.

he ſhall forfeit double the value of all ſuch goods, &c.

How forfeiture to be levied.

To be diſtributed for ſatisfaction of the creditors.

13 *Eliz. c.* 7. *ſ.* 7. And be it further enacted, That if at any time before or after that any ſuch perſon or perſons departeth the realm, or ſhall keep his or their houſe or houſes, or otherwiſe abſent him or themſelves, or take ſanctuary or ſuffer him or themſelves to be arreſted, outlawed, or yield his or their bodies to priſon as is aforeſaid, any perſon or perſons do fraudulently, by covin or colluſion, claim, demand, recover, poſſeſs or detain any debts, duties, goods, chattels, lands or tenements, by writing, truſt, or otherwiſe, which were or ſhall be due, belonging or appertaining to any ſuch offender or offenders, other than ſuch as he or they can and do prove to be due by right and

Debts, &c. fraudulently claimed on bankrupt's eſtate.

conſcience, in form aforeſaid, for money paid, wares delivered, or other juſt conſideration or cauſe reaſonable, to the juſt value thereof, before the ſaid commiſſioners ſo to be appointed, or the more part of them, as is aforeſaid, and the ſame to proceed *bonâ fide* without fraud or covin. That then every ſuch perſon or perſons ſo craftily demanding, claiming, having, poſſeſſing or detaining any ſuch debt, duty, or other thing as is aforeſaid, ſhall forfeit and loſe double as much as he or they ſhall ſo claim, demand, detain or poſſeſs; which ſaid forfeiture ſhall be levied, recovered and employed in manner and form as is afore rehearſed.

Perſons claiming ſhall forfeit double, to be recovered and levied as aforeſaid.

How the forfeitures ſhall be beſtowed after the bankrupts debts be paid.

13 *Eliz. c. 7. ſ. 8.* Provided alſo, and be it enacted by the authority aforeſaid, that if it ſhall fortune the creditors of any ſuch bankrupt, as is aforeſaid, to be ſatisfied and paid off their debts and duties, of or with the proper lands, tenements, goods, chattels, and debts of the ſaid bankrupts, or of or with the ſame, and ſome part of the forfeitures of the ſaid double values, to be forfeited, as is aforeſaid, and that there ſhall remain an overplus of the ſaid forfeiture of the ſaid double values: that then the one moiety of the ſaid overplus of the ſaid forfeitures of the double values ſo remaining, ſhall be by the ſaid commiſſioners ſo executing the ſaid commiſſion, within convenient time after the levying thereof, *paid unto the Queen's majeſty, her heirs and ſucceſſors*; and the *other moiety thereof ſhall be by the ſaid commiſſioners imployed and diſtributed to and amongſt the poor within the hoſpitals in every city, town, or county, where any ſuch bankrupt ſhall happen to be*; any thing in this act to the contrary thereof notwithſtanding.

13. *Eliz. c.* 7. *ſ.* 9. And be it further enacted by the authority aforeſaid, that if any ſuch perſon or perſons, which is or ſhall be indebted, do of purpoſe withdraw him or themſelves out of or from his or their uſual manſion houſe or houſes: that then upon complaint thereof made to the ſaid commiſſioners, having authority, as is aforeſaid, the ſame commiſſioners, or the more part of them, ſhall by virtue and authority of this preſent act, have full power and authority to award five proclamations to be made, in the Queen's name, upon five ſundry market days, in ſuch places near the place where ſuch bankrupt hath moſt commonly dwelled or made his abode, commanding him or them by the ſame proclamation in the Queen's name to return with all convenient ſpeed, and to yield his or their body before the ſaid commiſſioners, having authority as is aforeſaid, or one of them, at ſuch time and place as by the ſaid proclamation ſhall be appointed: and if the ſaid perſon do not according to ſuch proclamation repair and yield his or their body, as is aforeſaid, that then the body of all and every ſuch offender or offenders ſhall be adjudged, taken, and deemed to all intents and purpoſes out of the Queen's protection: and that alſo every perſon and perſons, that ſhall willingly and wittingly help to hide or convey, or ſhall willingly receive, detain, or keep ſecretly any perſon or perſons ſo demanded by proclamation, as is aforeſaid, ſhall ſuffer ſuch pains by impriſonment of his or their bodies, or pay ſuch fine to our ſovereign lady the Queen's majeſty, her heirs and ſucceſſors, as to the Lord

If ſuch trader as aforeſaid being indebted, do of purpoſe withdraw himſelf from his manſion houſe, commiſſioners may award five proclamations, commanding him to return.

The penalty of a bankrupt not yielding himſelf after proclamation, and of ſuch as do hide or receive him.

Chancellor, or Lord Keeper of the Great Seal (being informed thereof by the commiſſioners ſo to be appointed as is aforeſaid, or the more part of them) ſhall ſeem meet and convenient, for their ſaid offence or offences.

Commiſſioners may ſell lands and goods of the bankrupt by him tranſferred unto other men's names,

except tranſferred upon marriage of his children, or other valuable conſideration.

1 *Jac.* 1. *c.* 15. *ſ.* 5. If any perſon which hereafter is or ſhall be a bankrupt, ſhall convey or procure or cauſe to be conveyed to any of his children or other perſon or perſons any manors, lands, tenements, hereditaments, offices, fees, annuities, leaſes, goods, chattels, or transfer his debts into other men's names, except the ſame ſhall be purchaſed, conveyed or transferred, for or upon marriage of any of his children, both the parties married being of the years of conſent, or ſome valuable conſideration, it ſhall be in the power and authority of the commiſſioners on this behalf to be appointed, or the major part of them, to bargain, ſell, grant, convey, demiſe, or otherwiſe to diſpoſe thereof, in as ample a manner as if the ſaid bankrupt had been actually ſeiſed or poſſeſſed thereof, or the debts were in his own name, of the like eſtate or intereſt, to his or their own uſe at ſuch time as he became bankrupt. And that every ſuch grant, bargain, ſale, conveyance, and diſpoſition of the ſaid commiſſioners, or of the greater part of them, ſhall be good and available, to all intents, conſtructions and purpoſes in the law, againſt the offender or offenders, his heirs, executors, adminiſtrators and aſſigns, and ſuch children and perſons as ſhall be ſubject to this ſtatute, and againſt all other perſons claiming by, from, or under ſuch offender, or ſuch ſaid other perſons to

whom ſuch conveyance ſhall be made by the ſaid bankrupt, or by his means or procurement.

1 *Jac.* 1. *c.* 15. *ſ.* 10. If any perſon or perſons, being known, ſuppoſed, or ſuſpected, to have or detain any part of the lands, tenements, or hereditaments, goods, chattels, or debts of the ſaid bankrupt, or to be indebted to, or for the benefit of the ſaid bankrupt, ſhall, after lawful warning to the ſaid perſon or perſons given, to come before the ſaid commiſſioners, or the greater part of them, to be examined according to the intent of the ſaid ſtatutes, refuſe to come, or ſhall not come before the ſaid commiſſioners, at the time appointed, having no lawful impediment, (ſuch as ſhall be admitted, and allowed of, by the ſaid commiſſioners, or the more part of them, and which ſhall be then ſignified, or made known to the ſaid commiſſioners, at the time of their aſſembly;) or that any ſuch perſon or perſons, having knowledge or warning, of any other aſſembly, or meeting of the ſaid commiſſioners, again, ſhall not come, and appear before them, at ſuch time as he or ſhe, lawfully may come, having no ſuch lawful impediment, as ſhall then be made known to the ſaid commiſſioners, and by them admitted, and allowed of as aforeſaid; or being come before them, ſhall refuſe to be ſworn, and to make anſwer to ſuch interrogatories as ſhall be adminiſtred unto him, or them, according to the true intent and meaning of the ſaid ſtatutes, made in the ſaid thirteenth year of the reign of our ſaid late ſovereign lady Queen *Elizabeth*,

Perſon ſuſpected of having bankrupt's goods after lawful warning refuſing to come.

2d. Summons.

Or being come refuſe to be ſworn, &c.

beth, or of this preſent act; that then, it ſhall be lawful for the ſaid commiſſioners, or for the greater part of them, to commit to ſuch ward, and priſon, as to them, or the greater part of them, ſhall be thought meet, all ſuch perſon and perſons, as ſhall ſo refuſe to be ſworn, and make anſwer to ſuch interrogatories as ſhall be ſo miniſtred as aforeſaid, and alſo to direct their warrants to ſuch perſon or perſons, as to them, or the greater part of them, ſhall be thought meet, to apprehend and arreſt ſuch perſon or perſons as ſhall refuſe to come, and appear before them as aforeſaid, and to bring him, her, or them, before the ſaid commiſſioners, or the greater part of them, to be examined as above ſaid, and upon his, her, or their refuſal, to come, or to be examined before the ſaid commiſſioners, as aforeſaid, to commit the ſaid party ſo refuſing to ſuch priſon as the ſaid commiſſioners, or the greater part of them, ſhall think meet, there to remain without bail, or mainprize, until ſuch time as the ſaid perſon ſo refuſing to come, or to be ſworn to anſwer before the ſaid commiſſioners, ſhall ſubmit him, or herſelf to the ſaid commiſſioners, and be by them examined, according to the true intent of the ſaid ſtatute, and of this preſent act.

Lawful for the commiſſioners to commit ſuch perſons,

and to direct warrants to arreſt ſuch perſon as ſhall refuſe to come,

and upon refuſal to commit them to priſon.

Witneſſes ſummoned to have coſts.

1 *Jac.* 1. *c.* 15. *ſ.* 11. Provided always, that ſuch witneſſes as ſhall be ſo ſent for, ſhall have ſuch coſts, and charges, as the commiſſioners in their diſcretion ſhall think fit; the ſame charges to be ratably borne, by the creditors of the ſaid bankrupt, according to the proportion of each of their ſeveral debts. And if any perſon or perſons, other

other than the bankrupt, either by ſubornation, unlawful procurement, ſiniſter perſuaſion, or means of any others, or by his own act, conſent, or agreement, ſhall wilfully and corruptly commit any manner of wilful perjury by his depoſition to be taken before the ſaid commiſſioners, or the greater part of them, as aforeſaid; that then the party or parties ſo offending, and all and every perſon, and perſons, that ſhall unlawfully, and corruptly procure any ſuch unlawful, wilful, and corrupt perjury, ſhall and may therefore be indicted in any of the King's Majeſty's courts of record, and after his or their conviction thereof, ſhall incur ſuch forfeiture, and receive and ſuffer ſuch pains and puniſhments, as are limited by the ſtatute, made concerning perjury in the fifth year of the reign of our late ſovereign lady Queen *Elizabeth*.

Perſons guilty of perjury, or procuring others to commit perjury, to be indicted.

1 *Jac.* 1. *c.* 15. *ſ.* 12. And be it further enacted, that all and every ſum and ſums of money which ſhall be forfeited, by force of this preſent act, ſhall be ſued for and recovered, by the ſaid creditors only, or any of them, that will ſue for the ſame, by action of debt, bill, plaint, or information, in any of the King's Majeſty's courts of record, and the ſum or ſums of money ſo recovered, the charges of ſuit being deducted, ſhall be diſtributed, and divided towards the payment of the ſaid creditors of the bankrupt.

Forfeitures under this act to be ſued for by the creditors only.

And ſums recovered to be divided among the creditors.

1 *Jac.* 1. *c.* 15. *ſ.* 15. Such of the commiſſioners as ſhall put the ſaid commiſſion in execution, ſhall, upon lawful requeſt to them made by the ſaid bankrupt, not only make a true declaration

Commiſſioners upon requeſt to declare to the bankrupt how they have diſpoſed of his eſtate, and pay

the overplus to him, if any.

tion to the ſaid bankrupt, of the employing and beſtowing of his, her, or their lands, tenements and hereditaments, offices, fees, goods, wares, money, chattels and debts, which ſhall be paid and ſatisfied to their ſaid creditors, as in the like caſe limited or appointed by the 13 *Eliz.* but alſo make payment of the overplus of the ſame, if any ſuch ſhall be, to the ſaid bankrupts, their executors, adminiſtrators, and aſſigns. And the ſaid bankrupts, after full ſatisfaction of the ſaid creditors, ſhall have full power and authority to recover and receive the reſidue and remainder of the debts to them owing.

1 *Jac.* 1. *c.* 15. *ſ.* 16. Be it further enacted, that if any action of treſpaſs, or other ſuit, ſhall happen hereafter to be brought againſt any commiſſioner authorized by the ſtatute made in *decimo tertio* of our late ſovereign lady Queen *Elizabeth*, for bankrupts, or any other perſon or perſons having authority by virtue or under the commiſſion, authorizing the ſaid commiſſioner for the doing or executing of any matter, by force of the ſaid ſtatute, or this preſent ſtatute, that the defendant or defendants, in any ſuch action or ſuit, may plead not guilty, or otherwiſe juſtify that the act or thing whereof the plaintiff or plaintiffs complained, was done by authority of the ſaid act made in the thirteenth of *Elizabeth*, or in this preſent act reſpectively, without expreſſing or rehearſal of any other matter or circumſtance contained in either of the ſaid acts, and without enforcing him or them to ſhew forth their commiſſion authorizing the ſaid act or thing, whereunto the plaintiff

The commiſſioners plea in an action brought againſt them.

ſhall

ſhall be admitted to reply, that the defendant did the fact ſuppoſed in the declaration of his own wrong, without any ſuch cauſe alledged by the ſaid defendant, whereupon the iſſue in ſuch action ſhall be joined to be tried by verdict of twelve men; and upon the trial of that iſſue, the whole matter to be given on both parties in evidence, according to the very truth of the ſame; and if verdict upon ſuch iſſue ſhall paſs for the defendant, the defendant to have his coſts.

Orders, &c. provided by this Act ſhall be purſued againſt him that is deſcribed to be a bankrupt by 13 *Eliz.* 7. & 1 *Jac.* 15.

21 *Jac.* 1. *c.* 19. *ſ.* 4. And be it further enacted by the authority aforeſaid, that the ſame orders, benefits and remedies, which are, and be provided and limited by this preſent act, againſt any bankrupts, in or by this act declared, deſcribed, or expreſſed to be bankrupts, or for or concerning his, her, or their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes, and debts, or any of them, or the diſcovery of them, or any of them, ſhall from henceforth be had, purſued, taken, and expounded againſt ſuch perſon or perſons, as are declared or expreſſed to be bankrupts, by the ſaid former acts of parliament, or either of them, and againſt his, her, and their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes, and debts, in ſuch manner and form as the ſame ought and might have been, if the perſons in the former ſtatutes, or either of them, deſcribed to be bankrupts, had been mentioned and deſcribed to be bankrupts, in and by this preſent act.

21 *Jac.* 1. *c.* 19. *ſ.* 5. And whereas by the former laws the commiſſioners appointed have power

power to examine the bankrupt himſelf, and ſuch perſon or perſons as are ſuſpected to have or detain any of the eſtate, goods, or chattels of the bankrupts; but ſome doubt hath been made whether the commiſſioners have power to examine the wives of the bankrupts touching the ſame, by reaſon whereof the bankrupts wives do daily conceal and convey away, and cauſe to be conveyed away much part of their huſbands monies, wares, goods, merchandize, and other eſtate, to perſon or perſons unknown to any but ſuch wives, by reaſon whereof much of the bankrupts eſtate is concealed, and detained from the creditors.

The bankrupt's wife may be examined by the commiſſioners.

21 *J. c.* 19. *ſ.* 6. For the clearing therefore the ſaid doubt, and avoiding the inconveniences aforeſaid, be it declared and enacted by the authority aforeſaid, that after ſuch time as any perſon ſhall by the ſaid commiſſioners, executing the ſaid commiſſion, or the greater part of them, be lawfully adjudged or declared to be a bankrupt, the ſaid commiſſioners executing ſuch commiſſion, ſhall have power and authority to examine upon oath the wife and wives of all and every ſuch bankrupt, for the finding out, and diſcovery of the eſtate and eſtates, goods, and chattels, of ſuch bankrupt or bankrupts, concealed, kept, or diſpoſed of, by ſuch wife or wives, in their own perſons, or by their own act or means, or by any other perſon or perſons. And that ſhe and they, the ſaid wife and wives, ſhall incur ſuch danger and penalty for not coming before the ſaid commiſſioners, or for refuſing to be ſworn and examined, or for not diſcloſing the truth upon his or their examination

or

or examinations, as in and by the ſaid former laws, or either of them, is already made and provided againſt any other perſon or perſons in like caſes.

21 *J.* 1. *c.* 19. *ſ.* 7. And be it further enacted by the authority aforeſaid, that if any bankrupt ſhall upon his or her examination or examinations, to be taken before the ſaid commiſſioners, executing the ſaid commiſſion, be found fraudulently or deceitfully to have conveyed away his or her goods, chattels, lands, tenements, offices, fees, rents, or annuities, or other eſtate, or any part thereof, to the value of twenty pounds or above, to the end and purpoſe to hinder the execution of this ſtatute, or of any other the aforeſaid ſtatutes, or thereby to defraud, delay, or hinder his or her creditors of the ſame, and ſhall not, upon his or her examination, diſcover unto the ſaid commiſſioners, and (if it lie in his or her power) deliver unto the ſaid commiſſioners, all that eſtate, goods, and chattels, ſo fraudulently and deceitfully conveyed away, as aforeſaid, or by him or her, his or her means, kept or detained from the ſaid commiſſioners, or that cannot make it appear unto the ſaid commiſſioners that he or ſhe hath ſuſtained ſome caſual loſs, whereby he or ſhe is diſabled to pay what he or ſhe then owed, ſhall or may be indicted for ſuch fraud or abuſe at the aſſizes or general ſeſſions, to be holden before the judges of aſſize, or juſtices of the peace of the county or place where he or ſhe ſhall become bankrupt: and if upon ſuch indictment or indictments the bankrupt be thereof convicted, he or ſhe ſo convicted ſhall be ſet upon the pillory in ſome public place, for the ſpace of

The bankrupt that fraudulently concealeth his goods, or rendereth not juſt reaſon why he became bankrupt, ſhall be ſet upon the pillory, and loſe one of his ears.

two hours, and have one of his or her ears nailed to the pillory and cut off.

The commiſſioners may break open the bankrupts doors, &c. and ſeize upon the body, goods, &c. of the ſaid bankrupt.

21 *J.* 1. *c.* 19. *ſ.* 8. And for that ſome doubt is conceived, whether the commiſſioners, in caſe of reſiſtance, have power by the former laws to break open, or cauſe to be broken open, the houſe or houſes of ſuch bankrupts, which if they have not, the remedies by the former laws given will be to little effect; be it therefore enacted, that in execution of the ſaid commiſſion, it ſhall be lawful to and for the ſaid commiſſioners, or the greater part of them, or any other perſon or perſons, officer or officers, by them, or the greater part of them to be deputed, and appointed by their warrant or warrants, under their hands and ſeals, to break open the houſe or houſes, chambers, ſhops, warehouſes, doors, trunks, or cheſts of the ſaid bankrupt, where the ſaid bankrupt, or any of his or her goods or eſtate ſhall be, or reputed to be, and to ſeize upon, and order the body, goods, chattels, ready money, and other eſtate of ſuch bankrupt, as by the ſaid former laws are limited and appointed, whether it be by impriſonment of his or her body, or otherwiſe, as to the ſaid commiſſioners, or the greater part of them, ſhall be thought meet.

Commiſſioners may examine any perſon upon oath for the diſcovery of the truth of debts due to creditors who ſhall ſeek relief.

21 *J.* 1. *c.* 19. *ſ.* 9. And for the better diviſion and diſtribution of the lands, tenements, hereditaments, goods, chattels, and other eſtate of ſuch bankrupt, to and amongſt his or her creditors, be it enacted, That the commiſſioners, or the greateſt part of them, ſhall and may examine upon oath, or by any other ways or means, as to them ſhall ſeem meet, any perſon or perſons for the finding out, and diſ-

covery

covery of the truth and certainty of the ſeveral debts due and owing to all ſuch creditor and creditors, as ſhall ſeek relief by ſuch courſe of commiſſion to be ſued forth, as aforeſaid: and that all and every creditor and creditors, having ſecurity for his or their ſeveral debts, by judgment, ſtatute, recognizance, ſpecialty with penalty or without penalty, or other ſecurity, or having no ſecurity, or having made attachments in *London*, or any other place, by virtue of any cuſtom there uſed, of the goods and chattels of any ſuch bankrupt, whereof there is no execution or extent ſerved and executed upon any the lands, tenements, hereditaments, goods, chattels, and other eſtate of ſuch bankrupt, before ſuch time as he or ſhe ſhall or do become bankrupt, ſhall not be relieved upon any ſuch judgment, ſtatute, recognizance, ſpecialty, attachments, or other ſecurity, for any more than a ratable part of their juſt and due debts, with the other creditors of the ſaid bankrupt, without reſpect to any ſuch penalty or greater ſum contained in any ſuch judgment, ſtatute, recognizance, ſpecialty with penalty, attachment, or other ſecurity.

Judgment, attachments, &c. to have no preference, unleſs execution actually executed.

21 *Jac.* 1. *c.* 19. *ſ.* 10. If it ſhall happen, any the lands, tenements, goods, chattels, debts, or other eſtate of any bankrupt be extended after ſuch time as he is become a bankrupt by any perſon, under colour or pretence of his being an accountant, or any way indebted unto our ſovereign lord the king's majeſty, then it ſhall be lawful to and for the ſaid commiſſioners to examine upon oath, whether the ſaid debt was due to ſuch debtor or accountant upon any bargain or contract originally

The commiſſioners may proceed when the bankrupt by fraud makes himſelf accountant to the king.

made betwixt ſuch accountant and the ſaid bankrupt, the ſaid debtor or accountant or his ſervants, and if ſuch bargain or contract was originally made to and with any other perſon than the ſaid debtor or accountant, or for the uſe and truſt of any other perſon; then it ſhall and may be lawful to and for the ſaid commiſſioners, or the greater part of them, to order and diſpoſe of any ſuch lands, tenements, hereditaments, goods, chattels, and debts ſo extended as aforeſaid, to and for the uſe of the creditors which ſhall ſeek relief by the ſaid commiſſion. And that the order and diſpoſition of the ſaid commiſſioners, or the greater part of them, ſhall be good and available againſt the ſaid extent, and againſt all perſons claiming from, by, or under the ſaid extent. And ſuch perſons to whom the ſaid lands, tenements, goods, and chattels ſo extended, ſhall be bargained, ſold, granted, or aſſigned by the commiſſioners aforeſaid, or the greater part of them, ſhall have good remedy to have, demand and recover the ſame, againſt ſuch perſon and perſons who ſhall detain the ſame.

Conditional eſtates granted by the bankrupt may be redeemed by perſons appointed by the commiſſioners.

21 *Jac.* 1. *c.* 19. *ſ.* 13. If any perſon that now is, or hereafter ſhall become a bankrupt, have heretofore granted, conveyed or aſſigned, or ſhall at any time hereafter grant, convey or aſſign any lands, tenements, hereditaments, goods, chattels, or other eſtate unto any perſon upon condition or power of redemption at a day to come by payment of money, or otherwiſe; it ſhall and may be lawful to and for the ſaid commiſſioners, or the greater part of them, before the time of the performance of ſuch condition, to aſſign and appoint under their

hands and ſeals, ſuch perſons as they ſhall think fit to make tender or payment of money, or other performance, according to the nature of ſuch condition as fully as the bankrupt might have done. And that the ſaid commiſſioners, or the greater part of them, ſhall, after ſuch tender of payment or performance, have power to ſell and diſpoſe of ſuch lands, tenements, hereditaments, goods and chattels, and other eſtates, ſo granted, conveyed, or aſſured, upon condition to and for the benefit of the creditors, as fully as they may ſell or diſpoſe of any of the eſtates of the bankrupt.

Purchaſer for valuable conſideration not to be impeached, unleſs the commiſſion ſued forth within five years.

21 *Jac.* 1. *c.* 19. *ſ.* 14. No purchaſer for good and valuable conſideration ſhall be impeached by virtue of this act, or any other act heretofore made againſt bankrupts, unleſs the commiſſion to prove him a bankrupt be ſued forth againſt ſuch bankrupt within five years after he ſhall become a bankrupt.

Commiſſioners may certify to the judges, &c. that the party is become bankrupt.

5 *G.* 2. *c.* 30. *ſ.* 14. Upon certificate made under the hands and ſeals of the commiſſioners, that ſuch commiſſion is iſſued and ſuch perſon proved before them to become bankrupt, it ſhall and may be lawful, to and for all or any of the juſtices of his majeſty's court of King's Bench, or Common Pleas, or barons of the court of Exchequer, and to and for all and every the juſtices of the peace within that Part of the kingdom of *Great Britain*, called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*. And they are hereby impowered, and required, upon application to them for that purpoſe made, to grant their warrant under their hands and ſeals, for the

Upon ſuch certificate judges, &c. are required to grant their warrant for apprehending the

bankrupt, and to commit him to gaol.

taking and apprehending ſuch perſon, and him to commit to the common gaol of the county, where he ſhall be ſo apprehended and taken, there to remain until he be removed by order of the ſaid commiſſioners, or the major part of them, by warrant under their hands and ſeals. And the gaoler or keeper, to whoſe cuſtody ſuch perſon ſhall be committed, is hereby required to take, and receive ſuch perſon into his cuſtody; and forthwith to give notice to one or more of the ſaid commiſſioners in the ſaid commiſſion named, of ſuch perſon being in his cuſtody; to the intent, the ſaid commiſſioners may ſend their warrant to ſuch gaoler or keeper (which they are hereby impowered and required forthwith to ſend) for the delivering ſuch bankrupt, to the perſon or perſons named in ſuch warrant, who ſhall be thereby authoriſed, to convey, and bring ſuch perſon to the ſaid commiſſioners, in order to ſuch examination, and diſcovering as aforeſaid. And the ſaid commiſſioners are hereby likewiſe authoriſed, and impowered, by ſuch their warrant, or any other warrant, to take, and ſeize any of the goods, wares, merchandizes and effects, of ſuch bankrupt, (the neceſſary wearing apparel of ſuch bankrupt, or of his wife, or children only excepted) and any of his books, papers, or writings, which ſhall be then in the cuſtody or poſſeſſion of ſuch bankrupt, or of any other perſon, in any priſon or priſons whatſoever; any cuſtom or uſage to the contrary in any wiſe notwithſtanding.

To be removed by commiſſioners warrant.

Gaolor required to receive ſuch bankrupt into his cuſtody.

Commiſſioners impowered to grant warrants to ſeize bankrupt effects.

5 *Geo.* 2. *c.* 30. *ſ.* 16. And be it further enacted by the authority aforeſaid, that it ſhall and ma

be lawful to and for the ſaid commiſſioners, or the major part of them, to examine, as well by word of mouth, as on interrogatories in writing, all and every perſon and perſons, againſt whom any commiſſion of bankrupt is or ſhall be awarded, touching all matters relating to the trade, dealings, eſtate and effects, of all and every ſuch bankrupt and bankrupts, and alſo to examine in the manner aforeſaid, all and every other perſon duly ſummoned before, or preſent at, any meeting of the ſaid commiſſioners, or the major part of them, touching all matters relating to the perſon, trade, dealings, eſtate, and effects, of all and every ſuch bankrupt and bankrupts, and any acts of bankruptcy committed by him, her, or them, and alſo to take down, or reduce into writing, the anſwers or verbal examinations of every ſuch bankrupt, or other perſon had or taken before them as aforeſaid; which examination ſo taken down, or reduced into writing, the party examined ſhall, and is hereby required, to ſign and ſubſcribe. And in caſe any ſuch bankrupt or bankrupts, or other perſon or perſons, ſhall refuſe to anſwer, or ſhall not fully anſwer, to the ſatisfaction of the commiſſioners, or the major part of them, all lawful queſtions put to him, her, or them, by the ſaid commiſſioners, or the major part of them, as well by word of mouth, as by interrogatories in writing, or ſhall refuſe to ſign and ſubſcribe his, her, or their examination, ſo taken down, or reduced into writing as aforeſaid, (not having a reaſonable objection either to the wording thereof, or otherwiſe, to be allowed by the ſaid commiſſioners), it ſhall and may be lawful to and

Commiſſioners may examine the bankrupts and others touching the trading, &c.

and alſo the acts of bankruptcy, &c.

Party to ſign his examination.

Perſons refuſing to anſwer, or to ſign their examination

to be committed.

for the ſaid commiſſioners, or the major part of them, by warrant under their hands and ſeals, to commit him, her, or them to ſuch priſon as the ſaid commiſſioners, or the major part of them, ſhall think fit, there to remain without bail or mainprize, until ſuch time as ſuch perſon or perſons ſhall ſubmit him, her, or themſelves, to the ſaid commiſſioners, and full anſwer make to the ſatisfaction of the ſaid commiſſioners, to all ſuch queſtions as ſhall be put to him, her, or them, as aforeſaid, and ſign and ſubſcribe ſuch examination as aforeſaid, according to the true intent and meaning of this act.

Where a perſon is committed, the queſtion to be ſpecified in the warrant.

5 *Geo.* 2. *c.* 30. *ſ.* 17. Provided always, That in caſe any perſon or perſons ſhall be committed by the ſaid commiſſioners, for refuſing to anſwer, or not fully anſwering, any queſtion or queſtions put to him, her, or them, by the ſaid commiſſioners, by word of mouth, or on interrogatories, that the ſaid commiſſioners ſhall in their warrant of commitment ſpecify ſuch queſtion or queſtions.

If upon an habeas corpus, the warrant of commitment appears inſufficient,

5 *G.* 2. *c.* 30. *ſ.* 18. Provided alſo, That in caſe any perſon or perſons, committed by the commiſſioners warrant, by virtue of this or any other acts, now in force, concerning bankrupts, ſhall bring any *habeas corpus*, in order to be diſcharged from any ſuch commitment, and on the return of any ſuch *habeas corpus*, there ſhall appear any ſuch inſufficiency whatſoever in the form of the warrant, whereby ſuch perſon was committed, by reaſon whereof the party might be diſcharged of ſuch commitment; that then it ſhall and may be lawful for the court or judge before whom ſuch party

ſhall

ſhall be ſo brought by *habeas corpus* as aforeſaid, and ſuch court or judge ſhall, and is hereby required by rule, order or warrant, to commit ſuch perſon or perſons to the ſame priſon, there to remain as aforeſaid, unleſs it ſhall be made appear to ſuch court or judge by the party committed, that he, ſhe, or they have fully anſwered all lawful queſtions put to him, her, or them, by the ſaid commiſſioners; or in caſe ſuch perſon was committed for not ſigning his, her, or their examination, unleſs it ſhall appear to ſuch court or judge, that the party ſo committed had a good and ſufficient reaſon for refuſing to ſign the ſame. And in caſe any gaoler or keeper of any priſon to whom any ſuch bankrupt or bankrupts, perſon or perſons ſhall be ſo committed as aforeſaid, ſhall wilfully ſuffer ſuch bankrupt or bankrupts, perſon or perſons, to eſcape from ſuch priſon, or to go without the walls or doors of the ſaid priſon, until he, ſhe, or they ſhall be duly diſcharged as aforeſaid, ſuch gaoler or keeper ſhall for ſuch his offence, being duly convicted by indictment or information, forfeit five hundred pounds of lawful money of *Great Britain*, for the uſe of the creditors of ſuch bankrupt or bankrupts.

the perſon to be re-committed until full anſwer,

or ſign examination.

Gaoler to forfeit 500l. upon eſcape.

5 *Geo.* 2. *c.* 30. *ſ.* 19. And be it further enacted, That the gaoler or keeper of ſuch priſon as aforeſaid, ſhall, upon requeſt of any perſon or perſons being a creditor or creditors of ſuch bankrupt, and having proved his, her, or their debt under the ſaid commiſſion, and producing a certificate thereof under the hands of the ſaid commiſſioners, or the major part of them, (which ſuch commiſſioners are hereby required to give *gratis*), forth-

Gaoler refuſing to produce perſon committed to creditor of the bankrupt

with produce and ſhew ſuch perſon or perſons, ſo committed as aforeſaid, to any ſuch creditor or creditors requeſting the ſame. And in caſe ſuch gaoler or keeper of ſuch priſon ſhall refuſe to ſhew, or ſhall not forthwith produce ſuch perſon or perſons, ſo committed as aforeſaid, and being in his actual cuſtody at the time of ſuch requeſt, to ſuch creditor or creditors of ſuch bankrupt, requeſting to ſee ſuch perſon or perſons committed as aforeſaid, ſuch gaoler and keeper of ſuch priſon ſhall forfeit for ſuch his wilful refuſal or neglect, the ſum of one hundred pounds of lawful money of *Great Britain*, for the uſe of the creditors of ſuch bankrupt or bankrupts, to be recovered by action of debt in any of his Majeſty's courts of record at *Weſtminſter*, in the name or names of the creditor or creditors requeſting ſuch ſight of ſuch priſoners.

to forfeit 100l.

5 *G.* 2. *c.* 30. *ſ.* 42. There ſhall not be paid or allowed by the creditors or out of the eſtate of the bankrupt, any monies whatſoever for expences in eating and drinking of the commiſſioners, or of any other perſons at the times of the meetings of the ſaid commiſſioners, or any of the creditors; and no ſchedule ſhall be annexed to any deed of aſſignment of the perſonal eſtate of ſuch bankrupt, from the commiſſioners to the aſſignee or aſſignees of the ſaid eſtate; and if any commiſſioner ſhall order any ſuch expence to be made, or eat or drink at any ſuch meeting at the charge of the creditors, or out of the eſtate of ſuch bankrupt, or receive or take above the ſum of twenty ſhillings each commiſſioner, for each reſpective meeting; every

Commiſſioners to take no more than 20s. for each meeting.

ſuch commiſſioner ſo offending ſhall be diſabled for ever to act as a commiſſioner in ſuch or any other commiſſion, founded on this act or any of the ſtatutes made concerning bankrupts.

The 5 *G.* 2. *c.* 30. *ſ.* 43. enacts, That the commiſſioners ſhall not be capable of acting in the execution of any of the powers, and authorities given, and granted by any act of parliament in force concerning bankrupts (unleſs it be the power of adminiſtring oaths to the commiſſioners) until ſuch time as they, reſpectively ſhall have taken an oath to the effect following, that is to ſay,

Oath to be taken by the commiſſioners.

I A. B. *do ſwear that I will, faithfully, impartially and honeſtly, according to the beſt of my ſkill, and knowledge, execute the ſeveral powers and truſts, repoſed in me, as a commiſſioner, in a commiſſion of bankrupt againſt and that without favour or affection, prejudice or malice.*

So help me God.

Which oath any two or more of the ſaid commiſſioners are hereby impowered and required to adminiſter to each other in the ſame commiſſion, named and authoriſed; and they the ſaid commiſſioners are hereby required and impowered to enter, and keep a memorial or memorials thereof, ſigned by them reſpectively among the depoſitions, and other proceedings on each reſpective commiſſion, that ſhall be iſſued forth by virtue of this act, or any other act or acts of parliament now in force, concerning bankrupts.

Concerning the Proof of Debts.

See Tit. Authority of the Commiſſioners.
13. Eliz. c. 7. ſ. 7,
21. J. 1. c. 19. ſ. 9.

Tit. Choice of Aſſignees.
5. G. 2. c. 30. ſ. 26.

Creditors who did not join in the commiſſion, may come in within four months, paying their proportion of the expences.

1, *J.* 1. *c.* 15. *ſ.* 4. AND that it ſhall be lawful for any creditors of the ſaid bankrupt, within four months after any ſuch commiſſion ſhall be ſued forth, *and until diſtribution* ſhall be made by the ſaid commiſſioners for the payment of the bankrupt's debt, as in ſuch caſe hath been uſed, to partake and join with the other creditors that ſhall ſue forth any ſuch commiſſion, for ſatisfaction and payment of his, her, or their debts, to him or them owing, without any hindrance, let, or diſturbance of any of the ſame commiſſioners, or of any of the other creditors of any ſuch bankrupts, the ſame creditors ſo coming in to contribute to the charges of the ſaid commiſſion; and that if the creditors come not in within four months, then the commiſſioners to have power to diſtribute.

Debts payable at a future day may be proved.

The 7 *G.* 1. *c.* 31. *ſ.* 1, reciting, Whereas merchants and other traders in goods, have been very often obliged, and more eſpecially of late years, to ſell and diſpoſe of their goods and merchandizes to ſuch perſons as have occaſion for the ſame, upon

upon truſt or credit, and to take bills, bonds, promiſſory notes or other perſons ſecurities for their monies, payable at the end of three, four or ſix months, or other future days of payment; and the buyers of ſuch goods becoming bankrupts, and commiſſions of bankruptcy being taken out againſt them before the money upon ſuch bonds, notes or other ſecurities became payable, it hath been a queſtion whether ſuch perſons giving ſuch credit on ſuch ſecurities, ſhould be let in to prove their debts, or be admitted to have any dividend or other benefit by the commiſſion before ſuch time as ſuch ſecurities became payable, which hath been a great diſcouragement to trade, and great prejudice to credit within this realm. It therefore enacts, That every perſon who ſhall give credit on ſuch ſecurities as aforeſaid, to any perſon who ſhall become bankrupt upon a good and valuable conſideration *bona fide* for any ſum of money or other matter or thing whatſoever, which ſhall not be due or payable at or before the time of ſuch perſons becoming bankrupts, ſhall be admitted to prove his bills, bonds, notes, or other ſecurities, promiſe or agreement for the ſame, in like manner as if they were made payable preſently, and not at a future day; and ſhall be intitled unto, and ſhall have and receive a proportionable part, ſhare, and dividend of ſuch bankrupt's eſtate in proportion to the other creditors of ſuch bankrupts, deducting only thereout a rebate of intereſt, and diſcounting ſuch ſecurities payable at future times, after the rate of five pounds *per centum per annum*, for what he ſhall ſo receive, to be computed from the

Five per cent. to be deducted from the dividend to the

time ſuch ſecurities would be payable.

the actual payment thereof to the time ſuch debt, duty or ſum of money ſhould or would have become due and payable in and by ſuch ſecurities as aforeſaid.

Certificate ſhall diſcharge ſuch debts.

And every perſon who ſhall become bankrupt, ſhall be diſcharged of and from all and every ſuch bond, note, or other ſecurity as aforeſaid, and ſhall have the benefit of the ſeveral ſtatutes now in force againſt bankrupts, in like manner to all intents and purpoſes as if ſuch ſum of money had been due and payable before the time of his becoming bankrupt.

Creditors may prove debts without paying contribution.

But now by the 5 *G.* 2. *c.* 30. *ſ.* 25. every creditor of a bankrupt ſhall be at liberty to prove his debt under the commiſſion, without paying any contribution or ſum of money whatſoever for or on account of ſuch debt, any law or ſtatute to the contrary notwithſtanding.

The charge of commiſſions to the ſecond meeting to be paid by the aſſignees when taxed by the commiſſioners to the petitioning creditor, out of the bankrupts effects.

5. *G.* 2. *c.* 30. *ſ.* 25. And be it further enacted by the authority aforeſaid, that the creditors, or creditor who ſhall petition for, and obtain any commiſſion of bankrupt, ſhall be and is and are hereby obliged, at his, her, or their own coſts and expences, to ſue forth and proſecute the ſame, until an aſſignee or aſſignees ſhall be choſen of ſuch bankrupts eſtate and effects; and the commiſſioners to be named in any ſuch commiſſion ſhall, at the ſame meeting which ſhall be appointed for the choice of the aſſignees, *aſcertain ſuch coſts*, and by writing under their hands ſhall direct and order the aſſignee or aſſignees of ſuch bankrupts eſtate, who is and are hereby required to pay and reimburſe ſuch petitioning creditor or creditors

ſuch

ſuch his, her, or their coſts and charges as aforeſaid, out of the firſt monies or effects of the ſaid bankrupt, that ſhall be got in and received under the ſaid commiſſion; and every creditor of the ſaid bankrupt ſhall be at liberty to prove his, her, or their debt or debts under the ſaid commiſſion, without paying any contribution or ſum of money whatſoever for or on account of ſuch debt or debts; any law or ſtatute to the contrary notwithſtanding.

Creditors may prove debts without paying contribution.

5 *G.* 2. *c.* 30. *ſ.* 29. And whereas many abuſes have been committed by pretended creditors of bankrupts; be it enacted by the authority aforeſaid, that if any perſon at any time hereafter ſhall, before the acting commiſſioners in any commiſſion of bankrupt, or by affidavit or affirmation exhibited to them, ſwear or depoſe, or, being of the people called *Quakers*, affirm that any ſum of money is due to him or her from any bankrupt or bankrupts, which ſum of money is not really due or owing, or ſhall ſwear or affirm, that more is due, than is really due or owing, knowing the ſame to be due or owing, and that ſuch oath or affirmation is falſe and untrue, and being thereof convicted by indictment or information, ſuch perſon ſhall ſuffer the pains and penalties inflicted by the ſeveral ſtatutes made and now in force againſt wilful perjury, and ſhall moreover be liable to pay double the ſum ſo ſworn or affirmed to be due or owing, as aforeſaid, to be recovered and levied as other penalties and forfeitures are upon penal ſtatutes after conviction to be levied and recovered; and ſuch double ſum ſhall be equally divided among all the

Penalty on debts falſely claimed.

Perjury.

the creditors ſeeking relief under the ſaid commiſſion.

Bottomree bonds, &c. may be claimed and proved when the loſs happens.

The 19 *G.* 2. *c.* 32. *ſ.* 2. Whereas merchants and other traders, frequently lend money on bottomree, or at *reſpondentia*, and in the courſe of their trade, frequently cauſe their ſhips or veſſels, and the goods, and merchandizes loaded therein, to be inſured; and where commiſſions of bankruptcy have iſſued againſt the obligor, in ſuch bottomree or *reſpondentia* bond, or the underwriter or inſurer, in ſuch inſurance, before the loſs of the ſhip, or goods in ſuch bond or policy of inſurance mentioned hath happened, it hath been made a queſtion, whether the obligee or obligees, in ſuch bond, or the aſſured in ſuch policy of inſurance, ſhould be let in to prove their debts, or be admitted to have any benefit, or dividend under ſuch commiſſion, which may be a diſcouragement to trade. For remedy whereof, be it enacted, That the obligee, in any bottomree, or *reſpondentia* bond, and the aſſured in any policy of inſurance made, and entered into, upon a good and valuable conſideration, *bona fide*, ſhall be admitted to claim; and after the loſs, or contingency ſhall have happened, to prove his debt and demands, in reſpect of ſuch bond, or policy of inſurance, in like manner, as if the loſs or contingency had happened before the time of the iſſuing of the commiſſion of bankruptcy againſt ſuch obligor or inſurer; and ſhall be intitled unto, and ſhall have and receive a proportionable part, ſhare, and dividend of ſuch bankrupts eſtate, in proportion to the other creditors of ſuch bankrupt, in like manner, as if ſuch loſs or contingency

contingency had happened before ſuch commiſſion iſſued. And every perſon againſt whom any commiſſion of bankruptcy ſhall be awarded, ſhall be diſcharged of and from the debt or debts owing by him, on every ſuch bond and policy of inſurance as aforeſaid, and ſhall have the benefit of the ſeveral ſtatutes now in force againſt bankrupts, in like manner to all intents and purpoſes, as if ſuch loſs or contingency had happened, and the money due in reſpect thereof had become payable, before the time of the iſſuing out the commiſſion.

Certificate to diſcharge ſuch debts.

Concerning the Aſſignees.

See Tit. Bankrupts Certificate, and Allowance. 5. G. 2. c. 30. ſ. 36.

THE 5 *G.* 2. *c.* 30. *ſ.* 26. enacts, That where any commiſſion of bankrupt ſhall iſſue, the commiſſioners therein named, or the major part of them thereby authoriſed, ſhall forthwith, after they have declared the perſon or perſons againſt whom ſuch commiſſion ſhall iſſue a bankrupt, cauſe notice thereof to be given in the *London Gazette*, and ſhall appoint a time and place for the creditors to meet, which meeting for the city of *London*, and all places within the bills of mortality, ſhall be at the *Guildhall* of the ſaid city, in order to chooſe an aſſignee or aſſignees of the ſaid bankrupt's eſtate, and effects. At which meeting, the ſaid commiſſioners ſhall admit the proof of any creditor's debt, that ſhall live remote from the place of ſuch meeting of the commiſſioners, by affidavit, or by ſolemn affirmation, and alſo permit any perſon, duly authoriſed by letter of attorney from ſuch creditors, oath or affirmation being made, of the due execution thereof, either by an affidavit ſworn, or affirmation made before a Maſter in Chancery, ordinary, or extraordinary, or before the commiſſioners *viva voce*, (which oath or affirmation, they are hereby reſpectively authoriſed to adminiſter,) and in caſe of creditors reſiding in foreign

Commiſſioners to give notice in the London Gazette of the choice of aſſignees.

To admit proof by affidavit where the creditor lives remote.

Perſons authoriſed by letter of attorney to vote in the choice of aſſignees.

Execution of the letter of attorney to be proved by affidavit, which if made in foreign parts, ſhall be

foreign parts, ſuch affidavits or ſolemn affirmations, to be made before a magiſtrate, where the party ſhall be reſiding, and ſhall, together with ſuch creditor's letter of attorney, be atteſted by a notary publick, to vote in the choice of aſſignees of ſuch bankrupt's eſtate and effects, in the place and ſtead of ſuch creditor. And the commiſſioners, or the major part of them, authoriſed, ſhall aſſign every ſuch bankrupt's eſtate and effects, unto ſuch perſon or perſons as the major part in value of ſuch creditors, according to the ſeveral debts then proved, ſhall chooſe, as aforeſaid. And the aſſignee or aſſignees ſo choſen, ſhall be obliged to keep one or more diſtinct book or books of account, where he or they, ſhall duly enter, all ſum and ſums of money or other effects, which he or they ſhall have got in, or received, out of the ſaid bankrupt's eſtate; to which book or books of account, every creditor who ſhall have proved his debt, ſhall at all ſeaſonable times, have free reſort, and inſpect the ſame, as often as he ſhall think fit.

atteſted by a notary public.

Commiſſioners to aſſign the bankrupt's effects to the perſons choſen, who are to keep books of account for the inſpection of the creditors.

5 *G.* 2. *c.* 30. *ſ.* 27. No creditor or any other perſon, for or on the behalf of any creditor, ſhall be permitted to vote in ſuch choice of aſſignees, whoſe debt or the debt of the perſon ſo authoriſing him to vote ſhall not amount to the ſum of 10*l.* or upwards.

Creditor under 10*l.* not to vote in the choice of aſſignees.

5 *G.* 2. *c.* 30. *ſ.* 30. The commiſſioners, or the major part of them, as often as they ſhall ſee cauſe, for the better preſerving and ſecuring the bankrupt's eſtate, may, immediately appoint one or more aſſignee or aſſignees, of the eſtate and effects, or any part thereof; which

Commiſſioners may appoint a proviſional aſſignee.

aſſignee or aſſignees, or any of them may be removed, or diſplaced, at the meeting of the creditors ſo to be appointed as aforeſaid, for the choice of aſſignees, if they, or the major part in value of them, whoſe debts reſpectively amount to ten pounds, or upwards, then preſent, and of ſuch perſons duly authoriſed as aforeſaid, ſhall think fit.

Proviſional aſſignee to aſſign and deliver over the effects of the aſſignee choſen by the creditor.

And ſuch aſſignee or aſſignees as ſhall be ſo removed, and diſplaced, ſhall deliver up and aſſign, all the eſtate and effects of ſuch bankrupt, which ſhall have come to his or their hands, or poſſeſſion, or which ſhall have been aſſigned by the ſaid commiſſioners as aforeſaid, unto ſuch other aſſignee or aſſignecs, who ſhall be ſo choſen by the creditors, as aforeſaid, and all the eſtate and effects of the bankrupt, which ſhall be delivered up, or aſſigned, ſhall be to all intents and purpoſes, as effectually and legally veſted in ſuch new aſſignee or aſſignees, as if the firſt aſſignment had been made to him or them by the ſaid commiſſioners.

Forfeiture of 200*l.* for not aſſigning after notice.

And if ſuch firſt aſſignee or aſſignees ſhall refuſe or neglect, by the ſpace of ten days next after notice given, of the ſaid choice of ſuch new aſſignee or aſſignees, and of his and their conſent, to accept ſuch aſſignment, ſignified to the firſt aſſignee or aſſignees, by writing under his or their hand or hands, to make ſuch aſſignment, and delivery as aforeſaid, every ſuch firſt aſſignee or aſſignees ſhall reſpectively forfeit the ſum of two hundred pounds, to be divided, and diſtributed amongſt the creditors, toward ſatisfaction of their debts, in ſuch manner as the eſtate of the bankrupt is or ought to be divided, and diſtributed, and to be re-

covered by action of debt, bill, plaint or information, in any of his majeſty's courts of record at *Weſtminſter*, by ſuch perſon or perſons, as the major part of the commiſſioners ſhall appoint to ſue for the ſame, with full coſts of ſuit, wherein no privilege, protection, or wager in law, or more than one imparlance ſhall be allowed.

To be recovered by ſuch perſon as the major part of the commiſſioners ſhould appoint to ſue for it.

5 *G.* 2. *c.* 30. *ſ.* 31. reciting, Whereas it may be found neceſſary, that as well aſſignments of bankrupts eſtates, already made by commiſſioners, as aſſignments hereafter to be made, purſuant to the choice of creditors, ſhould be vacated, and a new aſſignment or aſſignments be made, of the debts and effects unreceived, and not diſpoſed by the then aſſignees to other perſons, to be choſen by the creditors as aforeſaid. Enacts, that it ſhall be lawful for the Lord Chancellor, Lord Keeper, or Commiſſioners for the cuſtody of the Great Seal of *Great Britain*, for the time being, upon petition of any creditors, to make ſuch order therein, as he or they ſhall think juſt or reaſonable. And in caſe a new aſſignment ſhall be ordered to be made, as aforeſaid, then ſuch debts, effects, and eſtate of ſuch bankrupt ſhall be thereby effectually and legally veſted in ſuch new aſſignees; and it ſhall, and may be lawful for him and them to ſue for the ſame in his or their name or names, and to diſcharge any action or ſuit, or to give any acquittance for ſuch debts, as effectually to all intents and purpoſes, as the aſſignee or aſſignees in the former aſſignment, might have done in caſe no new aſſignment had been made. And the ſaid commiſſioners ſhall cauſe

Lord Chancellor, &c. empowered to order old aſſignees to aſſign to new ones.

Effects to be legally veſted in ſuch new aſſignee, and they may ſue for the ſame in their own name.

Commiſſioners to give notice

in the two London Gazettes immediately following such removal.

public notice to be given in the two *London Gazettes* that ſhall immediately follow the removal of ſuch aſſignee or aſſignees, and the appointment of ſuch other aſſignee or aſſignees as aforeſaid; that ſuch aſſignee is or are removed, and ſuch other aſſignee or aſſignees appointed in his or their ſtead, and that ſuch perſons as are indebted to the ſaid bankrupt's eſtate, do not pay ſuch debts to ſuch aſſigneee or aſſignees as ſhall be removed as aforeſaid.

Creditors to direct where the money received by the aſſignees ſhall be placed.

5 *G.* 2. *c.* 30. *ſ.* 32. Before the creditors ſhall proceed to the choice of aſſignees of any bankrupt's eſtates, the major part in value of the ſaid bankrupt's creditors then preſent, ſhall, if they think fit, direct, in what manner, how, and with whom, and where the monies ariſing by, and to be received from time to time, out of the bankrupt's eſtate, ſhall be paid in and remain until the ſame ſhall be divided amongſt all the creditors as by this act is directed; to which rule and direction, every ſuch aſſignee and aſſignees aforeſaid to be choſen, ſhall conform as often as 100*l.* ſhall be got in, and received from ſuch bankrupt's eſtate, and ſhall be and are hereby indemnified for what they ſhall do, in purſuance of ſuch direction of the ſaid creditors,

Aſſignees with conſent of creditors may ſubmit diſputes to arbitration.

5 *G.* 2. *c.* 30. *ſ.* 34. It ſhall and may be lawful to and for the aſſignee or aſſignees of any bankrupt's eſtate and effects, by and with the conſent of the major part in value of the bankrupt's creditors, who ſhall have duly proved their debts under ſuch commiſſion, and who ſhall be preſent

at any meeting of the ſaid creditors, purſuant to notice to be for that purpoſe given in the *London Gazette*, to ſubmit any difference or diſpute between ſuch aſſignee or aſſignees, and any perſon or perſons whatſoever, for or on account, or by reaſon or means of any matter, cauſe, or thing whatſoever, relative to ſuch bankrupt or bankrupts, his, her, or their eſtate, and effects, to the final end and determination of arbitrators to be choſen by the ſaid aſſignee or aſſignees, and the major part in value of ſuch creditors, and the party or parties with whom they ſhall have ſuch difference, and to perform the award of ſuch arbitrators, or otherwiſe to compound and agree the matters in difference and diſpute between them, in ſuch manner as the ſaid aſſignee or aſſignees, with ſuch conſent as aforeſaid ſhall think fit, and can agree; and the ſame ſhall be binding to all the creditors of the ſaid bankrupt; and the aſſignees are hereby indemnified for what they ſhall fairly do according to the direction aforeſaid.

5 *G.* 2. *c.* 30. *ſ.* 35. Any aſſignee or aſſignees made and choſen as aforeſaid, is and are impowered by and with the conſent of the major part of the bankrupt's creditors, in value, who ſhall be preſent at a meeting to be had for that purpoſe, of which public notice ſhall be given in the *London Gazette*, to make compoſition with any perſon or perſons, debtors or accountants to ſuch bankrupts, where the ſame ſhall appear neceſſary and reaſonable, and to take ſuch reaſonable part as can, upon ſuch compoſition be gotten in full diſcharge of ſuch debts and accounts.

Aſſignees with conſent of creditors may make compoſition.

Aſſignees not to commence ſuits in equity without conſent of the creditors.

5 *G.* 2. *c.* 30. *ſ.* 38. No ſuit in equity ſhall be commenced by any aſſignee or aſſignees, without the conſent of the major part in value of the creditors of ſuch bankrupt, who ſhall be preſent at a meeting of the creditors, purſuant to notice to be given in the *London Gazette* for that purpoſe.

Concerning the Commiſſioners Aſſignment.

See Tit. Authority of the Commiſſioners.
13 Eliz. c. 7. ſ. 3, 4.
1 J. 1. c. 15. ſ. 5.
21 J. 1. c. 19. ſ. 9.
5 G. 2. c. 30. ſ. 42.

13 ELIZ. c. 7. ſ. 2. And be it enacted by the authority aforeſaid, That the Lord Chancellor of *England*, or Lord Keeper of the Great Seal of *England*, for the time being, upon every complaint made to him in writing againſt ſuch perſon or perſons being bankrupt, as is before defined, ſhall have full power and authority, by commiſſion under the Great Seal of *England*, to name, aſſign, and appoint ſuch wiſe and honeſt, diſcreet perſons, as to him ſhall ſeem good: who, or the moſt part of them, by virtue of this act and of ſuch commiſſion, ſhall have full power and authority to take by their diſcretions ſuch order and direction, with the body and bodies of ſuch perſon, whereſoever he or ſhe may be had, either in his or her houſe or houſes, ſanctuary, or elſewhere, as well by impriſonment of his or her body or bodies, as alſo with all his or her lands, tenements, hereditaments, as well copy or cuſtomary-hold, as freehold, which he or ſhe ſhall have in his or her own right, before he or ſhe became bankrupt, and alſo with all ſuch lands, tenements,

The Lord Chancellor may grant a commiſſion.

The commiſſioners may take order concerning the body of the bankrupt, whether in ſanctuary or not;

and with his lands, &c. which he had in his own right;

and with ſuch lands, &c. as he

shall have obtained for money, or other recompence, jointly with his wife or children,

or with any person of trust to any secret use for him:

and sell the same by deed indented and inrolled.

Against what persons the commissioners sale of a bankrupt's lands, goods, &c. shall be available.

nements, and hereditaments, as such person shall have purchased or obtained for money, or other recompence, jointly with his wife, children, or child, to the only use of such offender or offenders, or of or for such use, interest, right, or title, as such offender or offenders then shall have in the same, which he or she may lawfully depart withal, or with any person or persons of trust to any secret use of such offender or offenders, and also with his or her money, goods, chattles, wares, merchandizes and debts, wheresoever they may be found or known, and cause the said lands, tenements, fees, annuities, offices, goods, chattles, wares, merchandizes, and debts to be searched, viewed, rented, and appraised to the best value they may, and by deed indented, inrolled in one of the queen's majesty's courts of record, to make sale of the said lands, tenements, and hereditaments, and of all deeds, writings, and evidences, touching only the same, belonging to such offender or offenders, debtor or debtors; and also of all fees, annuities, offices, goods, and chattles, or otherwise to order the same for true satisfaction and payment of the said creditors; that is to say, To every of the said creditors, a portion, rate like, according to the quantity of his or their debts: and that every direction, order, bargain, sale, and other thing done by the said persons so authorised, as is aforesaid, shall be good and effectual in the law, to all intents, constructions, and purposes, against the said offender or offenders, debtor or debtors, his or their wife or wives, heir or heirs, child and children, and such person and persons, as by such joint

purchase

purchaſe with the ſaid offender or offenders, as is aforeſaid, have or ſhall have any eſtate or intereſt in the premiſes, and againſt all other perſon or perſons claiming by, from, or under ſuch offender or offenders, debtor or debtors, by any act or acts had, made or done after any ſuch perſon ſhall become bankrupt, as is aforeſaid, and alſo againſt the lords of the manors, whereof the ſaid copy-hold or cuſtomary-lands been holden, their heirs, ſucceſſors, and aſſigns, and every of them.

13 *Eliz. c. 7. ſ. 11.* Provided always, and be it further enacted by the authority aforeſaid, That if any perſon or perſons, which is or ſhall be publiſhed and declared to be a bankrupt by virtue of this act, ſhall at any time after purchaſe any lands, tenements, hereditaments, free or copy, offices, fees or goods, or chattles: or that any lands, tenements, hereditaments, free or copy, offices, fees, goods, or chattles ſhall deſcend, revert, or by any means come to any ſuch perſon or perſons, being bankrupts, as is aforeſaid, before ſuch time as their debts due to their creditors ſhall be fully ſatisfied and paid, or otherwiſe agreed for: that then the ſaid lands, tenements, hereditaments, as well free as copy, offices, fees, goods and chattles, ſhall by virtue of this act, by the ſaid commiſſioners to be appointed, as is aforeſaid, or the more part of them, be bargained, ſold, extended, delivered, and uſed for and towards the payment of the ſaid creditors, in ſuch like manner and form, as other the land, tenements, hereditaments, free or copy, offices, fees, goods, and chattles of the ſaid bankrupts, which they had when they were declared firſt to be

After purchaſed lands, goods, &c. to be bargained, ſold, &c. for payment of the ſaid creditors, in like manner as other lands, goods, &c.

bankrupts, ſhould or might have been bargained, ſold, diſpoſed, or uſed by virtue of this act.

This act not to extend to lands conveyed away before the party became bankrupt.

13 *Eliz. c.* 7. *ſ.* 12. Provided always, that this act ſhall not extend to any lands, tenements, or hereditaments, free or copyhold, which heretofore have been aſſured by any ſuch bankrupt, or hereafter ſhall be aſſured by any bankrupt before he become bankrupt: ſo that always ſuch aſſurance be made *bonâ fide*, and not to the uſe of the bankrupt himſelf only, or of his heirs; and that the parties, to whoſe uſe ſuch aſſurance hath or ſhall be made, be not, at or before the making of ſuch aſſurance, privy or conſenting to the fraudulent purpoſe of any ſuch bankrupt to deceive his creditors.

The authority of commiſſioners touching debts due to a bankrupt.

1 *J.* 1. *c.* 15. *ſ.* 13. And for that the power and authority given to the commiſſioners of bankrupts touching the debts due to the ſaid bankrupts, is not ſo full and perfect, as that the full benefit thereof in due courſe might be imployed to the uſe of the ſaid creditors, as was intended: for remedy thereof be it further enacted by the authority aforeſaid, that the commiſſioners of bankrupts, or the greater part of them, ſhall have power to grant and aſſign, or otherwiſe to order or diſpoſe all or any of the debts due, or to be due, to and for the benefit of the ſaid bankrupt, by what perſon or perſons ſoever, or in what manner and form ſoever, to the uſe of the creditors of the ſaid bankrupt, according to the true intent of the ſaid former recited ſtatute of bankrupts; and that the ſame grant, aſſignment, or diſpoſition of the ſaid debts, in form aforeſaid to be made by the ſaid commiſſioners,

or

or the greater part of them, ſhall ſo veſt the property, right, and intereſt of the ſaid debt and debts in the perſon or perſons of him, her, or them, to whom it ſhall be granted, aſſigned, or ordered by the ſaid commiſſioners, or the greater part of them, as fully to all intents and purpoſes, as if the ſaid bill, bond, bonds, ſtatutes, recognizances, judgement, or contract, whereupon the ſaid debt or debts, deed or deeds, ſhall ariſe or grow, had been made to, or with, or for the ſaid perſon or perſons, to whom the ſame ſhall be ſo granted, aſſigned, or diſpoſed by the ſaid commiſſioners; and that after ſuch grant, aſſignment, or diſpoſition made of the ſaid debts, that neither the bankrupt, nor any other, to whom any ſuch debt ſhall be due, ſhall have power to recover the ſame, nor to make any releaſe or diſcharge thereof, neither ſhall the ſame be attached as the debt of the bankrupt, or ſuch ſaid other perſon or perſons, to whom the ſame ſhall be due, by any other perſon or perſons, according to the cuſtom of the city of *London*, or otherwiſe, but that the party or parties, to whom the ſame debt ſhall be aſſigned, ſhall have like remedy to recover the ſame, as fully and lawfully, in the name or names of the perſon or perſons, to whom the ſame ſhall be ſo granted, aſſigned, or ordered by the ſaid commiſſioners, in all reſpects and purpoſes, as the party himſelf might have had; any law, ſtatute, uſe, or cuſtom, to the contrary thereof in any wiſe notwithſtanding.

The remedy for the creditor to recover a bankrupt's debt aſſigned to him by the commiſſioners.

1 *J.* 1. *c.* 19. *ſ.* 14. Provided always, that no debtor of the bankrupt be hereby endangered for the payment of his or their debt, truly and *bonâ fide*, to

Debts paid to the bankrupt without notice of bankruptcy good.

to any ſuch bankrupt, before ſuch time as he ſhall underſtand or know that he is become a bankrupt.

The commiſſioners may diſpoſe of goods, &c. left in poſſeſſion of the bankrupt by permiſſion of the true owner.

21 *Jac.* 1. *c.* 19. *ſ.* 11. If any perſon ſhall become bankrupt, and at ſuch time as they ſhall ſo become bankrupt, ſhall, by the *conſent* and permiſſion of the true owner and proprietary have in their *poſſeſſion*, *order* and *diſpoſition*, any goods or chattels whereof they ſhall be reputed owners, and take upon them *the ſale*, *alteration or diſpoſition as owners*; that in every ſuch caſe the ſaid commiſſioners, or the greater part of them, ſhall have power to ſell and diſpoſe of the ſame, to and for the benefit of the creditors which ſhall ſeek relief by the ſaid commiſſion, as fully as any other part of the eſtate of the bankrupt.

Aſſignment of the intailed lands of the bankrupt good againſt thoſe who could have been barred by recovery, &c.

21 *Jac.* 1. *c.* 19. *ſ.* 12. The ſaid commiſſioners, or the greater number of them, ſhall have power by virtue of this act, *by deed indented and enrolled within ſix months after the making thereof, in ſome of his Majeſty's courts of record at Weſtminſter*, to grant, bargain, ſell and convey any manors, lands, tenements or hereditaments, whereof any bankrupt is or ſhall be in any ways ſeiſed of any eſtate in-tail, in poſſeſſion, reverſion or remainder, and whereof no reverſion or remainder is or ſhall be in the King's Majeſty, his heirs and ſucceſſors, of the gift or proviſion of his Majeſty, his progenitors, his heirs or ſucceſſors, to any perſon or perſons, for the relief and benefit of the creditors of all ſuch bankrupts, and that all and every ſuch grants, bargains, ſales and conveyances ſhall be good and available in the law to ſuch perſons and their heirs againſt the ſaid bankrupts, and againſt all

all and every the iſſues of the body of ſuch bankrupts, and againſt all and every perſon claiming any eſtate, right, title or intereſt, by, from, or under the ſaid bankrupts, after ſuch time as ſuch perſon ſhall become bankrupt, and againſt all and every other perſon whatſoever, whom the ſaid bankrupt, by common recovery, or other way or means, might cut off or debar from any remainder, reverſion, rent, profit, title, or poſſibility into or out of any the ſaid manors, lands, tenements or hereditaments.

Purchaſer not impeached, unleſs the commiſſion ſhall be ſued forth within five years.

21 *J.* 1. *c.* 19. *ſ.* 14. Provided further, that no purchaſer, for good and valuable conſideration, ſhall be impeached by virtue of this act, or any other act heretofore made againſt bankrupts, unleſs the commiſſion to prove him or her a bankrupt, be ſued forth againſt ſuch bankrupt within five years after he or ſhe ſhall become a bankrupt.

If bankrupts refuſe to transfer ſtock ſtanding in their own names in their own right, the lord chancellor may order it to be transferred to the aſſignees.

36 *Geo.* 3. *c.* 90. *ſ.* 2. When and as often as any perſon ſhall be declared or adjudged bankrupt, having any part of the ſtocks or annuities transferable at the Bank of *England*, ſtanding in his name in his own right, it ſhall and may be lawful for the lord chancellor for the time being, on petition of the aſſignees, to order the accountant general, ſecretary, or deputy ſecretary for the time being of the governor and company of the Bank of *England*, to transfer the ſaid ſtock or annuities ſo ſtanding in the name of the ſaid bankrupt in his own right, to and into the names of the ſaid aſſignees; and alſo to receive and pay over the dividends of ſuch ſtock and annuities as the ſaid lord chancellor, *&c.* ſhall direct, and that all ſuch transfers and payments ſhall be valid and effectual to all intents and purpoſes whatſoever.

Concerning the Bankrupt's Surrender, and laſt Examination.

See Tit. Authority of the Commiſſioners. 5. G. 2. c. 30. ſ. 16. 17. 18. 19.

1 *JAC.* 1. *c.* 15. *ſ.* 6. And for that the practices of bankrupts of late are ſo ſecret and ſo ſubtle, as that they can very hardly be found out or brought to light, and for that the former ſtatute giving power to the commiſſioners to examine others than the bankrupts, hath not fully or ſufficiently authorized them to examine the ſaid bankrupt upon oath: For remedy whereof, be it further enacted, That the ſaid commiſſioners may call before them, or the greateſt part of them, the ſaid bankrupt; and if upon lawful warning left or made in writing at three ſeveral times at the dwelling-place or houſe where the ſaid bankrupt, his wife or family, for the moſt part of his abode did lodge or remain, within one year next before he, ſhe, or they became bankrupt, the ſaid bankrupt ſhall not appear before the ſaid commiſſioners, or the greater part of them; that then and from thenceforth it ſhall be lawful for the greater number of the ſaid commiſſioners to appoint, to proclaim the ſaid party a bankrupt, at ſuch public place or places where the ſaid commiſſioners, or the greater part of them ſhall think meet, warning him, her, or them to appear before them, upon the ſaid commiſ-

Commiſſioners empowered to examine the bankrupt.

ſion at ſome time appointed; and that if upon five ſeveral proclamations made in ſome public place, the party offending appear not before the ſaid commiſſioners, and yield his, her, or their bodies to them or ſome of them, the ſaid commiſſioners, or the greater part of them, ſhall or may award a warrant to ſuch fit perſon or perſons as they think meet, to apprehend the body and bodies of the ſaid offender and offenders, and to bring him, her, or them ſo offending, before the ſaid commiſſioners, whereſoever the ſaid party or parties offending may be found, in place privileged or not, to be examined by the ſaid commiſſioners, or the greater part of them.

Commiſſioners may examine the bankrupt upon interrogatories.

1 *Jac.* 1. *c.* 15. *ſ.* 7. And that it ſhall be lawful for the ſaid commiſſioners, or the greater part of them, to examine the ſaid offender or offenders upon ſuch interrogatories, touching the lands, tenements, goods, chattels, debts, bills, bonds, books of account, and ſuch other things as may tend to diſcloſe, his, her, or their eſtate or eſtates, or their ſecret grants, conveyances, and eloining of his, her, or their lands, tenements, goods, money and debts as they ſhall think meet.

And may commit upon refuſal to anſwer.

1 *Jac.* 1. *c.* 15. *ſ.* 8. And that if therein the offender or offenders ſhall refuſe to be examined, or to anſwer fully to every interrogatory to him to be adminiſtered by the ſaid commiſſioners, or the greater part of them, it ſhall be lawful for the ſaid commiſſioners, or the greater part of them, to commit the ſaid offender or offenders to ſome ſtrait or cloſe impriſonment, there to remain until he, ſhe, or they ſhall better conform him or herſelf.

1 *Jac.* 1. *c.* 15. *ſ.* 9. And that if upon his, her,

her, or their examination it ſhall appear that he, ſhe, or they have committed any wilful or corrupt perjury, tending to the hurt or damage of the creditors of the ſaid bankrupt, to the value of ten pounds of lawful money of *England*, or above, the party ſo offending, ſhall or may thereof be indicted in any of the king's majeſty's courts of record, and being lawfully convicted thereof, ſhall ſtand upon the pillory, in ſome public place, by the ſpace of two hours, and have one of his ears nailed to the pillory, and cut off.

Puniſhment in caſe he commits perjury.

21 *J.* 1. *c.* 19. *ſ.* 7. If any bankrupt ſhall upon his or her examination or examinations, to be taken before the ſaid commiſſioners executing the ſaid commiſſion, be found fraudulently or deceitfully to have conveyed away his or her goods, chattels, lands, tenements, offices, fees, rents, or annuities, or other eſtate, or any part thereof, to the value of twenty pounds, or above, to the end and purpoſe to hinder the execution of this ſtatute, or of any other the aforeſaid ſtatutes, or thereby to defraud, delay, or hinder his or her creditors of the ſame, and ſhall not, upon his or her examination, diſcover unto the ſaid commiſſioners, and (if it lie in his or her power) deliver unto the ſaid commiſſioners all the eſtate, goods, and chattels ſo fraudulently and deceitfully conveyed away as aforeſaid, or by him or her, his or her means kept or detained from the ſaid commiſſioners, or that cannot *make it appear* unto the ſaid commiſſioners that he or ſhe hath ſuſtained ſome caſual loſs, whereby he or ſhe is diſabled to pay what he or ſhe then owed, ſhall or may be indicted for ſuch fraud or abuſe at the aſſizes or general ſeſſions to be holden before the judges

Bankrupt fraudulently concealing his effects to the value of 20*l.* or that cannot make it appear that he is unable to pay his debts by reaſon of ſome caſual loſs, to be indicted, and if convicted to be ſet upon the pillory and have one of his ears cut off.

judges of aſſize or juſtices of the peace of the county or place where he or ſhe ſhall become bankrupt; and if upon ſuch indictment or indictments the bankrupt be thereof convicted, he or ſhe ſo convicted ſhall be ſet upon the pillory in ſome public place for the ſpace of two hours, and have one of his or her ears nailed to the pillory, and cut off.

Preamble, reciting 5 Geo. 1.

5 *Geo.* 2. *c.* 30. *ſ.* 1. Whereas commiſſions of bankrupt have been iſſued againſt ſeveral perſons, not long before, and ſince the expiration of the ſtatute made in the fifth year of his late majeſty's reign, intituled, *An act for the better preventing frauds committed by bankrupts*, and ſuch perſons have been declared bankrupts by the commiſſioners by ſuch commiſſions authorized; and yet ſeveral of ſuch bankrupts, by reaſon of the expiration of the ſaid ſtatute, have not only refuſed to ſurrender themſelves to the commiſſioners, and to diſcover and deliver up their eſtate and effects to the ſaid commiſſioners, for the benefit of their creditors, but have carried away and concealed the ſame, in ſuch manner that the ſaid commiſſioners have not been able to ſeize the ſame, to the manifeſt wrong and injury of their creditors; and to the great diſcouragement of trade: And whereas many evil-minded perſons have, ſince the expiration of the ſaid ſtatute, bought and taken upon truſt and credit, divers great quantities of goods, wares, and merchandizes, and have thereby, and by their extravagant manner of living, and otherwiſe, contracted great debts; and, having gotten ſuch goods and effects into their cuſtody, have ſold or pawned the ſame for leſs than the value thereof, and thereby

raiſed ready money, and have withdrawn themſelves from their uſual places of abode with their effects, into ſecret places, in order to oblige their creditors to accept of ſuch compoſition for their reſpective debts, as ſuch evil-minded perſons think fit to offer; or have carried away their effects beyond the ſeas, whereby their creditors have been totally deprived of their debts: And whereas many perſons have and do daily become bankrupts, not ſo much by reaſon of loſſes and unavoidable misfortunes, as to the intent to oblige their creditors to accept ſuch their unjuſt proffers and compoſitions, and to defraud and hinder their creditors of their juſt debts: Therefore to remedy the ſaid abuſes, and to ſupply the defects and inconveniences of former laws relating to bankrupts, be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, who, ſince the fourteenth day of *May*, which was in the year of our Lord one thouſand ſeven hundred and twenty-nine, hath or have become bankrupt, or who ſhall at any time hereafter, during the continuance of this act, become bankrupt, within the intent and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, or any of them, and againſt whom a commiſſion of bankrupt, under the great ſeal of *Great Britain*, hath, ſince the ſaid fourteenth day of *May*, which was in the year of our Lord one thouſand ſeven hundred and twenty-nine, been awarded and iſſued out, or ſhall at any time hereafter be awarded and iſſued out, whereupon the perſon

Any perſon who ſhall become bankrupt ſince the 14th May 1729, and againſt whom a commiſſion ſhall iſſue, and ſhall be declared bankrupt,

perſon or perſons, againſt whom ſuch commiſſion hath iſſued, or ſhall iſſue, hath or have been, or ſhall be declared bankrupt or bankrupts, ſhall not within forty-two days, after notice thereof in writing to be left at the uſual place of abode of ſuch perſon or perſons, or perſonal notice, in caſe ſuch perſon or perſons be then in priſon, and notice given in the *London Gazette*, that ſuch commiſſion or commiſſions is, are, or have been iſſued, and of the time and place of a meeting of the commiſſioners therein named, or the major part of them, ſurrender him, her, or themſelves to the ſaid commiſſioners named in the ſaid commiſſion, or the major part of them, and ſign or ſubſcribe ſuch ſurrender, and ſubmit to be examined, from time to time upon oath, or, being of the people called *Quakers*, upon the ſolemn affirmation by law appointed for ſuch people by and before ſuch commiſſioners, or the major part of them, by ſuch commiſſion authorized, and in all things conform to the ſeveral ſtatutes already made, and now in force, concerning bankrupts; and alſo upon ſuch his, her, or their examination, fully and truly diſcloſe and diſcover all his, her, or their effects and eſtate real and perſonal, and how, and in what manner, to whom, and upon what conſideration, and at what time or times he, ſhe, or they, have or hath diſpoſed of, aſſigned, or transferred any of his, her, or their goods, wares, merchandizes, monies, or other eſtate and effects, and all books, papers, and writings relating thereunto, of which he, ſhe, or they was or were poſſeſſed, or in or to which he, ſhe, or they was or were any ways intereſted or intitled, or which any perſon or perſons had or hath,

who ſhall not ſurrender in 42 days after notice left at his uſual place of abode, or delivered perſonally in priſon, and advertized in the London Gazette, and ſubmit to be examined,

and make a full diſcovery of all his effects, &c.

and all books, &c.

or have had in truſt for him, her or them, or for his, her, or their uſe, at any time before or after the iſſuing of the ſaid commiſſion, or whereby ſuch perſons or perſons, or his, her, or their family or families, hath, or have, or may have or expect any profit, poſſibility of profit, benefit, or advantage whatſoever, except only ſuch part of his, her, or their eſtate and effects, as ſhall have been really and *bonâ fide* before ſold or diſpoſed of in the way of his, her, or their trade and dealings; and except ſuch ſums of money, as ſhall have been laid out in the ordinary expence of his, her, or their family or families; and alſo, upon ſuch examination, deliver up unto the ſaid commiſſioners by the ſaid commiſſion authorized, or the major part of them, all ſuch part of his, her, or their the ſaid bankrupts, goods, wares, merchandizes, money, eſtate, and effects, and all books, papers, and writings, relating thereunto, as at the time of ſuch examination ſhall be in his, her, or their poſſeſſion, cuſtody, or power (his, her, or their neceſſary wearing apparel, and the neceſſary wearing apparel of the wife and children of ſuch bankrupt, only excepted) then he, ſhe, or they, the ſaid bankrupt or bankrupts, in caſe of any default and *wilful* omiſſion in not ſurrendering and ſubmitting to be examined as aforeſaid, or in caſe he, ſhe, or they ſhall remove, conceal, or imbezil any part of ſuch his, her, or their eſtate, real or perſonal, to the value of twenty pounds, or any books of account, papers, or writings relating thereto, with an intent to defraud his. her, or their creditors (and being thereof lawfully convicted by judgment or information) ſhall be deemed and adjudged to be

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except ſuch part as ſhall have been before bonâ fide ſold,

and deliver up all ſuch part of his goods, &c. and all books, &c. as at the time of examination ſhall be in his poſſeſſion, &c. wearing apparel excepted.

In caſe of default and wilful omiſſion, or imbezilling goods, to the value of 20l. or books of account, &c. guilty of felony.

be guilty of felony, and ſhall ſuffer as felons without benefit of clergy, or the benefit of any ſtatute made in relation to felons; and in ſuch caſe ſuch felons goods and eſtate ſhall go and be divided among the creditors ſeeking relief under ſuch commiſſion; any law, uſage, or cuſtom to the contrary thereof in any wiſe notwithſtanding.

Goods of bankrupts condemned to go to the creditors.

5 *G.* 2. *c.* 30. *ſ.* 2. Provided always, and be it enacted by the authority aforeſaid, That the ſaid commiſſioners, authorized as aforeſaid, ſhall appoint within the ſaid forty-two days (ſo appointed as aforeſaid) for the bankrupt to ſurrender and conform as aforeſaid, not leſs than three ſeveral meetings for the purpoſes aforeſaid, the laſt of which ſhall be on the forty-ſecond day hereby limited for ſuch bankrupt's appearance, except on commiſſions already iſſued ſince the ſaid fourteenth day of *May*, one thouſand ſeven hundred and twenty-nine, where the perſon or perſons againſt whom ſuch commiſſion iſſued has or have before ſurrendered and ſubmitted to be examined: in which caſe the ſaid commiſſioners, authorized as aforeſaid, ſhall appoint only one ſitting more for the purpoſes aforeſaid, unleſs the aſſignee or aſſignees of the eſtate of ſuch bankrupt ſhall think more ſittings neceſſary, and deſire the ſame, and three weeks notice at leaſt ſhall be given in the *London Gazette*, of the time and place of ſuch meetings.

Within the 42 days three meetings to be appointed.

5 *G.* 2. *c.* 30. *ſ.* 3. Provided always, and it is hereby declared and enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the Lord Chancellor or Lord Keeper, or commiſſioners for the cuſtody of the great ſeal of *Great Britain* for

Lord Chancellor may enlarge the time for ſurrendering, not exceeding 50 days.

the time being, to enlarge the time for ſuch perſon or perſons ſurrendering him, her, or themſelves, and diſcloſing and diſcovering his, her, or their eſtate and effects as aforeſaid, as the ſaid Lord Chancellor, Lord Keeper, or commiſſioners ſhall think fit, not exceeding fifty days, to be computed from the end of the ſaid forty-two days; ſo as ſuch order for enlarging the time be made by the ſaid Lord Chancellor, Lord Keeper, or ſuch commiſſioners, ſix days at leaſt before the time on which ſuch perſon or perſons was or were ſo to ſurrender him, her, or themſelves, and make ſuch diſcovery as aforeſaid.

Bankrupt forthwith to deliver upon oath books of account, papers, &c. not ſeized by the meſſenger.

5 *G.* 2. *c.* 30. *ſ.* 4. And be it further enacted by the authority aforeſaid, That every ſuch bankrupt or bankrupts as aforeſaid, after any aſſignee or aſſignees of his, her, or their eſtate and effects ſhall be choſen and appointed, as hereinafter mentioned, ſhall be, and is, and are hereby required forthwith to deliver up upon oath, or (one of the people called *Quakers*) upon ſolemn affirmation before one of the maſters of the High Court of Chancery, or before any juſtice of the peace within his reſpective juriſdiction (which oath or affirmation they are hereby impowered to adminiſter) unto ſuch aſſignee or aſſignees all his, her, or their books of accounts, papers, and writings not ſeized by the meſſenger of the ſaid commiſſion, or not before delivered up to the commiſſioners, or the major part of them, and then in his, her, or their cuſtody or power, and diſcover ſuch as are in the cuſtody or power of any other perſon or perſons, that any ways relate to or concern his, her, or their eſtate or effects;

and all and every ſuch bankrupt or bankrupts, not in priſon or cuſtody, ſhall at all times after ſuch ſurrender as aforeſaid, be at liberty, and is and are hereby required to attend ſuch aſſignee or aſſignees, upon every reaſonable notice in writing for that purpoſe given by ſuch aſſignee or aſſignees unto ſuch bankrupt or bankrupts, or left for him, her, or them at his, her, or their houſe, or place of abode, in order to aſſiſt, and ſhall aſſiſt ſuch aſſignee or aſſignees, in making out the accounts of the ſaid bankrupt's eſtate and effects.

After ſuch ſurrender of books, &c. bankrupt, to attend aſſignees,

and aſſiſt in making out the accounts.

5 *G.* 2. *c.* 50. *ſ.* 5. And be it further enacted by the authority aforeſaid, That all and every bankrupt or bankrupts, having ſurrendered as aforeſaid, ſhall at all ſeaſonable times, before the expiration of the ſaid forty-two days, or ſuch further time as ſhall be allowed to ſuch bankrupts, to finiſh his, her, or their examination, be at liberty to inſpect his, her, or their books, papers, and writings, in the preſence of ſuch aſſignee or aſſignees, or ſome perſon to be appointed by ſuch aſſignee or aſſignees for that purpoſe, and to take and bring with him, her, or them, for his, her, or their aſſiſtance, ſuch perſons as he, ſhe, or they ſhall think fit, not exceeding two perſons at any one time, and to make out ſuch extracts and copies from thence as he, ſhe, or they ſhall think fit, the better to enable him, her, and them to make a full and true diſcovery and diſcloſure of his, her, or their eſtate and effects; and in order thereto, the ſaid bankrupt or bankrupts ſhall be free from all arreſts, reſtraint, or impriſonment of any of his, her, or their creditors in coming to ſurrender, and from the actual ſurrender

Bankrupt during the 42 days, or enlarged time, to be at liberty to inſpect books, papers, &c.

and be free from arreſt, &c. of creditors in coming to ſurrender, and from the ſurrender during the 42

days, or such further time as shall be allowed.

of such bankrupt to the said commissioners, for and during the said forty-two days, or such further time as shall be allowed to such bankrupt or bankrupts, for finishing his, her, or their examinations as aforesaid, provided such bankrupt was not in custody at the time of such surrender and submission to be examined; and in case such bankrupt shall be arrested for debt, *or on any escape warrant, coming to surrender* him or herself to the said commissioners, or, after his or her surrender, shall be *so* arrested within the time before mentioned, that then on producing such summons or notice, under the hands of the said commissioners, *assignee or assignees*, to the officer who shall arrest him, her, or them, and making it appear to such officer, that such notice or summons is signed by the said commissioners, or the major part of them, or such assignee or assignees, and giving such officer a copy thereof, shall be immediately discharged. And in case any officer shall detain such bankrupt or bankrupts (after he, she, or they shall have shewn such notice or summons to him, *and made it appear* it was signed as aforesaid) in his custody, such officer shall forfeit and pay to such bankrupt, for his own use, the sum of five pounds for every day such officer shall detain such bankrupt; to be recovered by action of debt in any of his majesty's courts of record at *Westminster*, in the name or names of such bankrupt or bankrupts, with full costs of suit.

If arrested for debt or escape warrant, in coming to surrender, to be discharged.

Penalty on officer detaining bankrupts in custody.

Bankrupts in custody to be brought before commissioners, and the expence

5 *G.* 2. *c.* 30. *s.* 6. Provided always, and be it further enacted, That in case any bankrupt be in prison, *or in custody*, at the time of issuing of the said

ſaid commiſſion as aforeſaid, and is willing to ſurrender and ſubmit to be examined according to the directions of this act, and can be brought before the ſaid commiſſioners and creditors for that purpoſe, the expence thereof ſhall be paid out of the ſaid bankrupt's eſtate and effects: but in caſe ſuch bankrupt is in execution, or cannot be brought before the commiſſioners, that then the acting commiſſioners ſhall from time to time *attend* the ſaid bankrupt in priſon or cuſtody, and take his or her diſcovery, as in other caſes; and the aſſignees of the ſaid eſtate ſhall have power, and are hereby required to appoint one or more perſons to attend ſuch bankrupt, being in priſon or in cuſtody as aforeſaid, from time to time, and to produce to him or her, his or her books, papers, and writings, in order to prepare his or her laſt diſcovery and examination, according to the directions before mentioned; a copy whereof the aſſignees of the ſaid eſtate ſhall apply for, and the ſaid bankrupt ſhall deliver to them, or their order, ten days at leaſt before ſuch laſt examination.

paid out of the bankrupt's eſtate;

if in execution, commiſſioners to attend them in priſon.

Aſſignees to appoint a perſon to attend bankrupt in priſon, and produce his books, &c. and bankrupt, upon application, to deliver a copy ten days before examination.

5 *G.* 2. *c.* 30. *ſ.* 15. Provided always, and be it enacted by the authority aforeſaid, That if any ſuch perſon or perſons, ſo apprehended and taken, ſhall within the time or times allowed by this act for that purpoſe, ſubmit to be examined, and in all things conform, as if he, ſhe, or they had ſurrendered, as by this act ſuch bankrupt or bankrupts is or are required, that then ſuch perſon, ſo ſubmitting and conforming, ſhall have and receive the benefit of this act, to all intents and purpoſes, as if he, ſhe, or they, had voluntarily come in and ſurrendered himſelf, herſelf, or themſelves; any thing herein

Bankrupts, ſo apprehended, on conformity to have benefit of the act.

herein contained to the contrary thereof in any wiſe notwithſtanding.

5 G. 2. c. 30. ſ. 16. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid commiſſioners, or the major part of them, to examine, as well by word of mouth as on interrogatories in writing, all and every perſon and perſons, againſt whom any commiſſion of bankrupt is or ſhall be awarded, touching all matters relating to the trade, dealings, eſtate and effects, of all and every ſuch bankrupt and bankrupts, and alſo to examine in the manner aforeſaid all and every other perſon duly ſummoned before, or preſent at, any meeting of the ſaid commiſſioners, or the major part of them, touching all matters relating to the perſon, trade, dealings, eſtate, and effects of all and every ſuch bankrupt and bankrupts, and any act or acts of bankruptcy committed by him, her, or them, and alſo to take down, or reduce into writing, the anſwers of verbal examinations of every ſuch bankrupt, or other perſon, had or taken before them as aforeſaid; which examinations ſo taken down, or reduced into writing, the party examined ſhall, and is hereby required, to ſign and ſubſcribe. And in caſe any ſuch bankrupt or bankrupts, or other perſon or perſons, ſhall refuſe to anſwer, or ſhall not fully anſwer, to the ſatisfaction of the commiſſioners, or the major part of them, all lawful queſtions put to him, her, or them, by the ſaid commiſſioners, or the major part of them, as well by word of mouth, as by interrogatories in writing, or ſhall refuſe to ſign and ſubſcribe his, her, or their examination, ſo taken

Commiſſioners may examine bankrupt by parol, or in writing,

concerning his trade, dealings and effects.

May examine any other perſon preſent at the meeting.

Anſwers to be reduced into writing.

In caſe the party ſhall refuſe to anſwer, or do not anſwer to the ſatisfaction of the commiſſioners, or ſhould refuſe to ſign his

taken down, or reduced into writing as aforeſaid, not having a reaſonable objection either to the wording thereof, or otherwiſe, to be allowed by the ſaid commiſſioners), it ſhall and may be lawful to and for the ſaid commiſſioners, or the major part of them, by warrant under their hands and ſeals, to commit him, her, or them to ſuch priſon as the ſaid commiſſioners, or the major part of them, ſhall think fit, there to remain without bail or mainprize, until ſuch time as ſuch perſon or perſons ſhall ſubmit him, her, or themſelves to the ſaid commiſſioners, and full anſwer make to the ſatisfaction of the ſaid commiſſioners, to all ſuch queſtions as ſhall be put to him, her, or them as aforeſaid, and ſign and ſubſcribe ſuch examination as aforeſaid, according to the true intent and meaning of this act.

examination, not having a reaſonable objection to the wording thereof, he may be committed.

5 *G.* 2. *c.* 30. *ſ.* 17. Provided always, That in caſe any perſon or perſons ſhall be committed by the ſaid commiſſioners for refuſing to anſwer, or not fully anſwering, any queſtion or queſtions put to him, her, or them, by the ſaid commiſſioners, by word of mouth, or interrogatories, that the ſaid commiſſioners ſhall in their warrant of commitment ſpecify ſuch queſtion or queſtions.

Commitment to ſpecify the queſtion.

5 *G.* 2. *c.* 30. *ſ.* 18. Provided alſo, That in caſe any perſon or perſons, committed by the commiſſioners warrant, by virtue of this or any other acts now in force, concerning bankrupts, ſhall bring any *habeas corpus*, in order to be diſcharged from any ſuch commitment, and on the return of any ſuch *habeas corpus*, there ſhall appear any ſuch inſufficiency whatſoever in the form of the warrant, whereby ſuch perſon was committed, by reaſon whereof the party might be diſcharged of ſuch commitment;

If commitment defective in form, judge upon habeas corpus brought to recommit.

commitment; that then it ſhall and may be lawful for the court or judge before whom ſuch party ſhall be ſo brought by *habeas corpus* as aforeſaid, and ſuch court or judge ſhall, and is hereby required by rule, order or warrant, to commit ſuch perſon or perſons to the ſame priſon, there to remain as aforeſaid until he, ſhe, or they ſhall conform as aforeſaid, unleſs it ſhall be made appear to ſuch court or judge by the party committed, that he, ſhe, or they have fully anſwered all lawful queſtions put to him, her, or them, by the ſaid commiſſioners; or in caſe ſuch perſon was committed for not ſigning his, her, or their examination, unleſs it ſhall appear to ſuch court or judge, that the party ſo committed had a good and ſufficient reaſon for refuſing to ſign the ſame. And in caſe any gaoler or keeper of any priſon to whom any ſuch bankrupt or bankrupts, perſon or perſons ſhall be ſo committed as aforeſaid, ſhall wilfully ſuffer ſuch bankrupt or bankrupts, perſon or perſons, to eſcape from ſuch priſon, or to go without the walls or doors of the ſaid priſon, until he, ſhe, or they ſhall be duly diſcharged as aforeſaid, ſuch gaoler or keeper ſhall for ſuch his offence, being duly convicted by indictment or information, forfeit five hundred pounds of lawful money of *Great Britain*, for the uſe of the creditors of ſuch bankrupt or bankrupts.

Gaoler ſuffering ſuch bankrupt to eſcape to forfeit 500 *l.*

5 *G.* 2. *c.* 30. *ſ.* 19. And be it further enacted, That the gaoler or keeper of ſuch priſon as aforeſaid ſhall, upon requeſt of any perſon or perſons being a creditor or creditors of ſuch bankrupt, and having proved his, her, or their debt under the ſaid commiſſion, and producing a certificate thereof under

Gaoler refuſing to ſhew priſoner to a creditor to forfeit 100 *l.*

under the hands of the ſaid commiſſioners, or the major part of them, (which ſuch commiſſioners are hereby required to give *gratis*), forthwith produce and ſhew ſuch perſon or perſons, ſo committed as aforeſaid, to any ſuch creditor or creditors requeſting the ſame. And in caſe ſuch gaoler or keeper of ſuch priſon ſhall refuſe to ſhew, or ſhall not forthwith produce ſuch perſon or perſons, ſo committed as aforeſaid, and being in his actual cuſtody at the time of ſuch requeſt, to ſuch creditor or creditors of ſuch bankrupt, requeſting to ſee ſuch perſon or perſons committed as aforeſaid, ſuch gaoler and keeper of ſuch priſon ſhall forfeit for ſuch his wilful refuſal or neglect, the ſum of one hundred pounds of lawful money of *Great Britain*, for the uſe of the creditors of ſuch bankrupt or bankrupts, to be recovered by action of debt in any of his majeſty's courts of record at *Weſtminſter*, in the name or names of the creditor or creditors requeſting ſuch ſight of ſuch priſoners.

Concerning Perſons concealing the Bankrupt's Property.

See Tit. Authority of the Commiſſioners.
13 Eliz. c. 7. ſ. 7. 8.
1 J. 1. c. 15. ſ. 10. 11. 12.

5 GEO. 2. c. 30. ſ. 20. All and every perſon who ſhall at any time after the time allowed to ſuch bankrupt to ſurrender and conform as aforeſaid, voluntarily come and make diſcovery of any part of ſuch bankrupt's eſtate, not before come to the knowledge of the aſſignees, either to the ſaid aſſignees, or to the ſaid commiſſioners authoriſed as aforeſaid, or the major part of them, ſhall be allowed five pounds *per centum*, and ſuch further and other reward as the aſſignees, and the major part of the creditors in value, preſent at any meeting of the creditors ſhall think fit to be paid out of the nett proceed of ſuch bankrupt's eſtate which ſhall be recovered on ſuch diſcovery, which ſhall be paid to the perſon or perſons ſo diſcovering the ſame, by the aſſignee or aſſignees of ſuch bankrupt's eſtate, and the aſſignee or aſſignees ſhall be allowed the ſame in their accounts.

Perſons making diſcovery of bankrupt's effects, to be allowed 5 *l.* per centum.

5 *Geo.* 2. *c.* 30. ſ. 21. And for the better diſcovery of the eſtate of a bankrupt, be it enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall have accepted of any truſt or

Perſons having accepted any truſt of the bankrupt's pro-

or truſts, and ſhall wilfully conceal, or protect any eſtate, real or perſonal, or of any perſon or perſons becoming bankrupt as aforeſaid, from his, her, or their creditors, and ſhall not within forty-two days next after ſuch commiſſion ſhall iſſue forth, and notice thereof be given in the *London Gazette*, diſcover and diſcloſe ſuch truſt and eſtate in writing, to one or more of the commiſſioners or aſſignees of ſuch bankrupt or bankrupts eſtate, and likewiſe ſubmit him or herſelf to be examined by the commiſſioners, in and by the ſaid commiſſion authoriſed, or the major part of them, if thereunto required, and truly diſcover the ſame, ſhall forfeit the ſum of one hundred pounds, of lawful money of *Great Britain*, and double the value of the eſtate either real or perſonal ſo concealed, to and for the uſe and benefit of the ſaid creditors, to be recovered by action of debt in any of his Majeſty's courts of record at *Weſtminſter*, in the name of the aſſignee or aſſignees of the ſaid commiſſioners, in which caſe full coſts ſhall be allowed to either.

perty, and ſhall not diſcloſe it, and ſubmit to be examined, ſhall forfeit 100*l.* and double the value of the eſtate.

Concerning the Bankrupt's Certificate and Allowance.

10 ANN. c. 15. ſ. 3. And whereas a doubt has ariſen upon an act made in the fourth year of her majeſty's reign, intituled, *An Act to prevent frauds frequently committed by bankrupts*, whether the diſcharge of a bankrupt, by virtue of that act, ſhould be conſtrued to diſcharge the partners of ſuch bankrupt, from the ſame debt; be it therefore further enacted and declared by the authority aforeſaid, that by the diſcharge of any bankrupt or bankrupts, by force of the ſaid act, or any other acts relating to bankrupts, from the debts by him, her, or them due and owing, at the time that he, ſhe, or they did become a bankrupt, ſhall not be conſtrued, nor was meant or intended to releaſe or diſcharge any other perſon or perſons, who was or were partner or partners with the ſaid bankrupt in trade, at the time he, ſhe, or they became a bankrupt, or then ſtood jointly bound, or had made any joint contract together with ſuch bankrupt or bankrupts, for the ſame debt or debts, from which he was diſcharged, as aforeſaid, but that notwithſtanding ſuch diſcharge ſuch partner and partners, joint obligor and obligors, and joint contractors with ſuch bankrupt and bankrupts, as aforeſaid, ſhall be and ſtand chargeable with, and liable to pay ſuch debt and debts, and to perform ſuch contracts,

The diſcharge of a bankrupt by virtue of 4 & 5 Annæ, c. 17. ſhall not diſcharge his partner in trade at the time he became bankrupt.

tracts, as if the ſaid bankrupt and bankrupts had never been diſcharged from the ſame.

7 *Geo.* 1. *c.* 31. *ſ.* 2. And be it further enacted by the authority aforeſaid, that all and every perſon or perſons, who now are or ſhall become bankrupts, ſhall be diſcharged of and from all and every ſuch bond, note, or other ſecurity, to be computed from the time of payment to the time when it would be payable, as aforeſaid, and ſhall have the benefit of the ſeveral ſtatutes now in force againſt bankrupts, in like manner, to all intents and purpoſes, as if ſuch ſum of money had been due and payable before the time of his becoming a bankrupt.

Bankrupts ſhall be diſcharged from ſuch bonds, &c.

5 *Geo.* 2. *c.* 30. *ſ.* 7. All and every perſon or perſons ſo become or to become bankrupts as aforeſaid, who ſhall within the time limited by this act ſurrender him, her, or themſelves to the acting commiſſioners named and authorized in or by any commiſſion of bankrupt awarded or to be awarded againſt him, her, or them, and in all things conform as in and by this act is directed, ſhall be allowed the ſum of five pounds *per centum*, out of the neat produce of all the eſtate that ſhall be recovered in and received, which ſhall be paid unto him, her, or them by the aſſignee or aſſignees of the ſaid commiſſioners, in caſe the neat produce of the ſaid eſtate, after ſuch allowance made, ſhall be ſufficient to pay the creditors of the ſaid bankrupt, who have proved their debts under the ſaid commiſſion, the ſum of ten ſhillings in the pound, and ſo as the ſaid five pounds *per centum* ſhall not amount in the whole to above the ſum of two hundred pounds. And in caſe the neat produce

of the ſaid eſtate ſhall, over and above the allowance hereafter mentioned, be ſufficient to pay the ſaid creditors the ſum of twelve ſhillings and ſix pence in the pound for their reſpective debts, that then all and every perſon or perſons, ſo conforming ſhall be allowed the ſum of ſeven pounds ten ſhillings *per centum* out of ſuch neat produce, to be paid by ſuch aſſignee or aſſignees, ſo as ſuch ſeven pounds ten ſhillings *per centum* ſhall not amount in the whole to above the ſum of two hundred and fifty pounds. And in caſe the neat produce of the ſaid eſtate ſhall, over and above the allowance hereafter made, be ſufficient to pay the ſaid creditors the ſum of fifteen ſhillings in the pound for their reſpective debts, that then all and every ſuch perſon and perſons, ſo conforming, ſhall be allowed the ſum of ten pounds *per centum* out of ſuch neat produce, to be paid by the aſſignee or aſſignees, ſo as ſuch ten pounds *per centum* ſhall not amount in the whole to above the ſum of three hundred pounds; *and every ſuch bankrupt ſhall be diſcharged from all debts, by him, her, or them due or owing at the time that he, ſhe, or they did become bankrupt.* And in caſe any ſuch bankrupt ſhall afterwards be arreſted, proſecuted, or impleaded for any debt due before ſuch time, as he, ſhe, or they became bankrupt, ſuch bankrupt ſhall be diſcharged upon common bail, and ſhall and may plead in general, *that the cauſe of ſuch action or ſuit did accrue before ſuch time as he, ſhe, or they became bankrupts, and may give this act and the ſpecial matter in evidence*; and the certificate of ſuch bankrupt's conforming, and the allowance thereof according to the directions of this act, ſhall be

12 s. 6 d. in the pound, 7½ per cent. not exceeding 250 l.

15 s. in the pound, 10 per cent. not exceeding 300 l.

Such bankrupt to be diſcharged and freed from future arreſts, and may plead the general iſſue.

be, and ſhall be allowed to be ſufficient evidence of the trading, bankruptcy, commiſſion, and *other proceedings precedent* to the obtaining ſuch certificate, and a verdict ſhall thereupon paſs for the defendant, unleſs the plaintiff in ſuch action can prove the ſaid certificate was obtained *unfairly* and by fraud, or unleſs the plaintiff in ſuch action can make appear any concealment by ſuch bankrupt to the value of ten pounds; and if a verdict paſs for the defendant, or the plaintiff ſhall become non-ſuited, or judgment be given againſt the plaintiff, the defendant ſhall recover his full coſts.

Certificate ſufficient evidence of trading, bankruptcy, &c.

may be avoided by ſhewing it unfairly obtained.

5 *Geo.* 2. *c.* 30. *ſ.* 8. Provided always, and it is hereby declared and enacted by the authority aforeſaid, that if the neat proceed of ſuch bankrupt's eſtate, ſo to be diſcovered, recovered, and received, together with what ſhall be otherwiſe recovered, and received, ſhall not amount to ſo much as will pay all and every the creditors of ſuch bankrupt who ſhall have proved their debts under the ſaid commiſſion, the ſum of ten ſhillings in the pound for their reſpective debts, after all charges firſt had and deducted, that then, and in ſuch caſe, ſuch bankrupt ſhall not be allowed the ſum of five pounds *per centum* out of ſuch eſtate as ſhall be ſo recovered in, but ſhall be allowed and paid, by the aſſignees, ſo much money as the ſaid aſſignees, and commiſſioners, authorized as aforeſaid, ſhall think fit to allow to ſuch bankrupt, not exceeding three pounds *per centum*.

Bankrupt's allowance, if the effects amount not to 10 s. per pound, any ſum not exceeding 3 per cent.

5 *Geo.* 2. *c.* 30. *ſ.* 9. Provided always, and be it further enacted by the authority aforeſaid, that from and after the twenty fourth day of *June*, one

Certificate under ſecond commiſſion.

thouſand ſeven hundred and thirty two, in caſe any commiſſion of bankrupt ſhall iſſue againſt any perſon or perſons, who, after the ſaid twenty fourth day of *June*, one thouſand ſeven hundred and thirty two, ſhall have been diſcharged by virtue of this act, or ſhall have compounded with his, her, or their creditors, or delivered to them his, her, or their eſtate or effects, and been releaſed by them, or been diſcharged by any act for the relief of inſolvent debtors after the time aforeſaid, that then and in either of thoſe caſes the body and bodies only of ſuch perſon and perſons, conforming as aforeſaid, ſhall be free from arreſt and impriſonment by virtue of this act; but the future eſtate and effects of every ſuch perſon and perſons ſhall remain liable to his, her, or their creditors, as before the making of this act (the tools of trade, the neceſſary houſehold goods and furniture, and neceſſary wearing apparel of ſuch bankrupt, and his wife and children, only excepted) *unleſs the eſtate of ſuch perſon or perſons*, againſt whom ſuch commiſſion ſhall be awarded, ſhall produce clear, after all charges, ſufficient to pay every creditor under the ſaid commiſſion, *fifteen ſhillings* in the pound for their reſpective debts.

only to protect the perſon,

unleſs 15s. in the pound paid under the ſecond commiſſion.

By the 5 *Geo.* 2. *c.* 30. *ſ.* 10. it is provided and enacted, That no diſcovery upon oath, or ſolemn affirmation, to be made by any bankrupt or bankrupts, of his, her, or their eſtate and effects, purſuant to this act, ſhall intitle ſuch bankrupt or bankrupts to the benefits allowed by this act, unleſs the commiſſioners authoriſed by ſuch commiſſion, or the major part of them, ſhall, in writing under their

Certificate.

Commiſſioners to certify to the perſon holding the great ſeal,

their hands and ſeals, certify to the Lord *Chancellor*, or Lord *Keeper*, or Commiſſioners for the cuſtody of the Great Seal of *Great Britain* for the time being, that ſuch bankrupt or bankrupts, hath or have made a full diſcovery of his or her eſtate and effects, and in all things conformed himſelf, herſelf, or themſelves, according to the directions of this act, and that there doth not appear to them any reaſon to doubt of the truth of ſuch diſcovery, or that the ſame is not a full diſcovery of all ſuch bankrupt's eſtate and effects; and unleſs four parts in five in number and value of the creditors of ſuch bankrupt or bankrupts who ſhall be creditors for not leſs than twenty pounds reſpectively, and who ſhall have duly proved their debts under ſuch commiſſion, or ſome other perſon by them reſpectively duly authorized thereunto, ſhall ſign ſuch certificate, and teſtify their conſent to ſuch allowance and certificate, and to the ſaid bankrupt's diſcharge, in purſuance of this act, to be alſo certified by ſuch commiſſioners; but the ſaid commiſſioners ſhall not certify the ſame, till they ſhall have proof by affidavit or affirmation, in writing, of ſuch creditors, or of the perſon by them reſpectively authoriſed for that purpoſe, ſigning the ſaid certificate, and of the power and authority by which any perſon ſhall be authoriſed by any creditor to ſign ſuch certificate for any creditors; which affidavit or affirmation, together with ſuch warrant or authority to ſign, ſhall be laid before the Lord High *Chancellor*, Lord *Keeper*, or Commiſſioners of the Great Seal, with the ſaid certificate, in order for the allowing and confirming the ſame, and

that the bankrupt hath conformed.

Not to certify unleſs four parts in five of the creditors aſſent.

unleſs ſuch bankrupt make oath, or, being of the people called Quakers, ſolemnly affirm in writing, that ſuch certificate and conſent of the creditors thereunto, were obtained fairly and without fraud; and unleſs ſuch certificate ſhall, after ſuch oath or affirmation of the bankrupt, be allowed and confirmed by the Lord *Chancellor*, Lord *Keeper*, or Commiſſioners for the cuſtody of the Great Seal of *Great Britain* for the time being, or by ſuch two of the juſtices of the Courts of King's Bench, Common Pleas, or Barons of the Court of Exchequer, at *Weſtminſter*, to whom the conſideration of ſuch certificate ſhall be referred by the Lord *Chancellor*, Lord *Keeper*, or Commiſſioners of the Great Seal for the time being; and any of the creditors of ſuch bankrupt are allowed to be heard, if they ſhall think fit, before the reſpective perſons aforeſaid, againſt the making ſuch certificate, and againſt the confirmation thereof; nor ſhall any commiſſioner ſign ſuch certificate, till after four parts in five in number and value of the ſaid creditors ſhall have ſigned the ſame as aforeſaid.

Bankrupts to make oath the certificate and conſent of the creditors was fairly obtained.

Certificate not to be of force unleſs allowed by the Lord Chancellor, &c.

Securities given by the bankrupt or any other perſon to induce creditors to ſign are void.

5 *Geo.* 2. *c.* 30. *ſ.* 11. Every bond, bill, note, contract, agreement, or other ſecurity whatſoever, to be made or given by any bankrupt, or by any other perſon, unto, or to the uſe of, or in truſt for, any creditor, or for the ſecurity of the payment of any debt or ſum of money due from ſuch bankrupt, at the time of his becoming bankrupt, or any part thereof, between the time of his becoming bankrupt, and ſuch bankrupt's diſcharge, as a conſideration, or to the intent to perſuade him, her,

her, or them, to conſent to, or ſign any ſuch allowance or certificate, ſhall be wholly void, and of no effect; and the monies thereby ſecured, or agreed to be paid, ſhall not be recovered or recoverable, and the party ſued on ſuch bond, bill, note, contract, or agreement, ſhall and may plead the general iſſue, and give this act, and the ſpecial matter in evidence.

Certificate void if bankrupt upon marriage of his children gave above 100*l.* unleſs he prove himſelf worth the ſum given over and above ſufficient to pay his debts,

5 *Geo.* 2. *c.* 30. *ſ.* 12. Nothing in this act ſhall be conſtrued to extend, or give, or grant any privilege, benefit, or advantage, to any bankrupt, who hath, or ſhall, for, or upon marriage of any of his or her children, have given, advanced, or paid, above the value of one hundred pounds, unleſs he or ſhe ſhall prove, or by his or her books fairly kept, or otherwiſe, upon his or her oath, or being of the people called Quakers, upon ſolemn affirmation, before the major part of the commiſſioners, in ſuch commiſſion named and authorized, that he or ſhe had at the time thereof, over and above the value ſo given, advanced or paid, remaining in goods, wares, debts, ready money, or other eſtate, real or perſonal, ſufficient to pay and ſatisfy unto each and every perſon to whom he or ſhe was any ways indebted, their full and entire debts, or who hath, or ſhall have loſt, in any one day, the ſum or value of five pounds, or, in the whole, the ſum or value of one hundred pounds, within the ſpace of twelve months next preceding his, her, or their becoming bankrupt, in playing at, or with cards, tables, dice, tennis, bowls, billiards, ſhovel board, or in or by cock-fighting, horſe-races, dog-matches, or foot-races, or other paſtimes, game or

Certificate void for gaming, &c.

games whatſoever, or in or by having a ſhare or part in the ſtakes, wagers, or adventures, or in or by betting on the ſides or hands of ſuch as do or ſhall play, act, ride, or run as aforeſaid, or that within one year before he or ſhe became bankrupt, ſhall have loſt the ſum of one hundred pounds, by one or more contracts, for the purchaſe, ſale, refuſal or delivery of any ſtock of any company or corporation whatſoever, or any parts or ſhares of any government or public funds or ſecurities, where every ſuch contract was not to be performed, within one week from the time of the making ſuch contract, or where the ſtock, or other thing ſo bought or ſold, was not actually transferred or delivered in purſuance of ſuch contract.

Bankrupt having obtained his certificate, if taken in execution may be diſcharged by applying to a judge.

5 *Geo.* 2. *c.* 30. *ſ.* 13. If any bankrupt who ſhall have obtained his certificate ſhall be taken in execution, or detained in priſon on account of any debts due or owing before he or ſhe became bankrupt, by reaſon that judgment was obtained before ſuch certificate was allowed and confirmed, it ſhall and may be lawful for any one or more of the judges of the court wherein judgment has been ſo obtained againſt ſuch bankrupt, on ſuch bankrupt's producing his or her certificate allowed and confirmed, to order any ſheriff or ſheriff's bailiff, or officer, gaoler or keeper of any priſon who hath or ſhall have any ſuch bankrupt in his cuſtody, by virtue of any ſuch execution to diſcharge ſuch bankrupt out of cuſtody on ſuch execution, without payment of any fee or reward.

Bankrupts, after allowance of certificate, to attend aſſignees

5 *Geo.* 2. *c.* 30. *ſ.* 36. Provided always, and be it enacted by the authority aforeſaid, that after ſuch bankrupt or bankrupts ſhall have obtained his,

his, her, or their certificate, and the ſame ſhall be duly confirmed, as herein is mentioned, every ſuch bankrupt or bankrupts ſhall, and is, and are hereby obliged to give his, her, or their attendance, upon every reaſonable notice in writing, to be given to him, her, or them, or to be left at his, her, or their uſual place of abode, by the aſſignee or aſſignees, or their order, thereby requiring him, her, or them, to attend the aſſignee or aſſignees of ſuch bankrupt's eſtate, in order to make up, adjuſt, or ſettle any account or accounts between ſuch bankrupt or bankrupts, and any debtor to, or creditor of ſuch bankrupt's eſtate, or to attend any court or courts of record, in order to be examined touching the ſame, or for ſuch other buſineſs which ſuch aſſignee or aſſignees ſhall judge neceſſary for getting in the ſaid bankrupt's eſtate and effects, for the benefit of his, her, or their creditors; for which ſaid attendance the bankrupt ſhall be allowed and paid the ſum of two ſhillings and ſix pence *per diem*, by ſuch aſſignee or aſſignees out of the bankrupt's eſtate; and in caſe ſuch bankrupt or bankrupts ſhall neglect or refuſe to attend, or on ſuch attendance ſhall refuſe to aſſiſt in ſuch diſcovery (without good and ſufficient cauſe to be ſhewn to the commiſſioners, or the major part of them, for ſuch his, her, or their neglect or refuſal, to be by them allowed as ſufficient) ſuch aſſignee or aſſignees, making due proof thereof upon oath, or, being of the people called *Quakers*, upon ſolemn affirmation, before the ſaid commiſſioners, authorized as aforeſaid, or the major part of them, the ſaid commiſſioners, or the major part of them, are hereby impowered and required to iſſue a warrant

in ſettling accounts.

Allowance for attendance.

rant or warrants, directed to ſuch perſon or perſons as they ſhall think proper for apprehending ſuch bankrupt or bankrupts, and him, her, or them to commit to the county gaol, there to remain in cloſe cuſtody without bail or mainprize, until he, ſhe, or they ſhall duly conform to the ſatisfaction of the ſaid commiſſioners, authorized as aforeſaid, and be by the ſaid commiſſioners, or the ſpecial order of the Lord Chancellor, Lord Keeper, or Commiſſioners for the cuſtody of the Great Seal of *Great Britain*, for the time being, or otherwiſe by due courſe of law diſcharged; and ſuch gaoler or keeper of ſuch priſon, to which ſuch bankrupt or bankrupts ſhall be committed, is hereby required to keep ſuch perſon or perſons in cloſe cuſtody within the walls of the ſaid priſon, until he, ſhe, or they be duly diſcharged, as aforeſaid, under the pains and penalties before mentioned for ſuch gaoler or keeper ſuffering ſuch priſoners, committed purſuant to this act, to eſcape and go at large.

Impriſonment on non-attendance.

24 *Geo.* 2. *c.* 57. *ſ.* 9. And whereas many abuſes have been committed by bankrupts, and perſons who, with their privity, have attempted to prove fictitious and pretended debts under commiſſions of bankrupt, in order that ſuch perſons might be enabled *to ſign their conſent to the certificates* for diſcharging ſuch bankrupts from their debts; for remedy whereof, and in order to prevent the like fraudulent and wicked practices for the future, be it enacted by the authority aforeſaid, that where any perſons ſhall fraudulently ſwear or depoſe, or being of the people called *Quakers* affirm, before the major part of the commiſſioners named

Perſons ſwearing to a fictitious debt due to them from a bankrupt,

named in any commiſſion of bankruptcy, or by affidavit or affirmation exhibited to them, that a ſum of money is due to him or her from any bankrupt or bankrupts, which ſhall in fact not be really and truly ſo due or owing; and ſhall, in reſpect of ſuch fictitious and pretended debt, ſign his or her conſent to the certificate for ſuch bankrupt's diſcharge from his debts; that in every ſuch caſe, unleſs ſuch bankrupt ſhall, before ſuch time as the major part of the ſaid commiſſioners ſhall have ſigned ſuch certificate, by writing by him to be ſigned and delivered to one or more of the ſaid commiſſioners, or to one or more of the aſſignees of his eſtate and effects, under ſuch commiſſion, diſcloſe the ſaid fraud, and object to the reality of ſuch debt, ſuch certificate ſhall be null and void to all intents and purpoſes, and ſuch bankrupt ſhall not in that caſe be intitled to be diſcharged from his debts, or to have or receive any of the benefits or allowances given or allowed to bankrupts by the ſaid act of the fifth year of his preſent majeſty's reign; any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

and ſigning the bankrupt's certificate;

unleſs the bankrupt ſhall diſcloſe the fraud,

the certificate to be null, &c.

24 *Geo.* 2. *c.* 57. *ſ.* 10. And it is hereby enacted, that where any creditor or creditors of any bankrupt reſide in foreign parts, the letter of attorney of ſuch creditor, atteſted by a notary publick in the uſual form, ſhall be a ſufficient evidence of the power and authority by which any perſon thereby authorized ſhall ſign any bankrupt's certificate; any thing in the ſaid act of the fifth year of his preſent majeſty's reign to the contrary thereof in any wiſe notwithſtanding.

Letter of attorney from creditor in foreign parts, to authorize ſigning bankrupt's certificate.

Concerning the Dividend.

See Tit. Authority of the Commiſſioners.
13 Eliz. c. 7. ſ. 2. 4.
1 J. 1. c. 15. ſ. 15.
21 J 1. c. 19. ſ. 9.

BY 5 *G.* 2. *c.* 30. *ſ.* 33. Every perſon or perſons choſen, or who ſhall be choſen aſſignee or aſſignees of the eſtate and effects of ſuch bankrupt, ſhall, at ſome time after the expiration of four months, and within twelve months, from the time of iſſuing of ſuch commiſſion, cauſe at leaſt twenty-one days public notice to be given in the *London Gazette*, of the time and place the commiſſioners and aſſignees intend to meet, to make a dividend or diſtribution of ſuch bankrupt's eſtate and effects; at which time the creditors who have not before proved their debts, ſhall then be at liberty to prove the ſame; which meeting for the city of *London*, and all places within the bills of mortality, ſhall be at the *Guildhall* of the ſaid city; and upon every ſuch meeting, the aſſignee or aſſignees ſhall produce to the ſaid commiſſioners and creditors then preſent, fair and juſt accounts of all his and their receipts and payments, touching the ſaid bankrupt's eſtate and effects, and of what ſhall remain out-ſtanding, and the particulars thereof; and ſhall, if the creditors then preſent, or the major part of them, require the ſame be examined upon oath, or, being of the people called Quakers, upon ſolemn affirmation before the ſaid commiſſioners, or the

Dividend to be made after four, and within twelve months.

Three weeks notice to be given.

Aſſignees to produce their accounts,

and be ſworn to the truth of them.

the major part of them, touching the truth of ſuch accounts, and in ſuch accounts the ſaid aſſignee or aſſignees ſhall be allowed, and retain all ſum and ſums of money as they ſhall have paid and expended in ſuing out and proſecuting of ſuch commiſſion, and all other juſt allowances on account of, and by reaſon or means of their being aſſignee or aſſignees; and the ſaid commiſſioners or the major part of them, ſhall order ſuch part of the neat produce of the ſaid bankrupt's eſtate, as by ſuch accounts or otherwiſe, ſhall appear to be in the hands of the ſaid aſſignees, as they or the major part of them ſhall think fit, to be forthwith divided amongſt ſuch of the bankrupt's creditors, who have duly proved their debts under ſuch commiſſion, in proportion to their ſeveral and reſpective debts; and the commiſſioners, or the major part of them, ſhall make ſuch their order for a dividend in writing under their hands, and ſhall cauſe one part of ſuch order to be filed amongſt the proceedings under the ſaid commiſſion, and ſhall deliver unto each of the aſſignee or aſſignees under ſuch commiſſion, a duplicate of ſuch their order, likewiſe under the hands of the ſaid commiſſioners; which order of diſtribution ſhall contain an account of the time and place of making ſuch order, and the ſum total, or *quantum* of all the debts proved under the ſaid commiſſion, and the ſum total of the money remaining in the hands of the aſſignee or aſſignees to be divided, and how much in particular in the pound is then ordered to be paid to every creditor under the ſaid commiſſion; and the ſaid aſſignee or aſſignees in purſuance of ſuch order, and without

Commiſſioners to make their order for a dividend in writing.

without any deed or deeds of diſtribution to be made for that purpoſe ſhall forthwith make ſuch dividend and diſtribution accordingly, and ſhall take receipts in a book to be kept for that purpoſe from each creditor, for the part or ſhare of ſuch dividend or diſtribution which he or they ſhall make and pay to each creditor reſpectively; and ſuch order and receipt ſhall be a full and effectual diſcharge to ſuch aſſignee, for ſo much as he ſhall fairly pay, purſuant to ſuch order as aforeſaid.

Aſſignees forthwith to make ſuch dividends as the commiſſioners ſhall order.

5 *Geo.* 2. *c.* 30. *ſ.* 37. Within eighteen months next after the iſſuing of any ſuch commiſſion as aforeſaid, the aſſignee or aſſignees ſhall make a ſecond dividend of the bankrupt's eſtate and effects, in caſe the ſame was not wholly divided upon the firſt dividend, and ſhall cauſe a notice to be inſerted in the *London Gazette*, of the time and place the ſaid commiſſioners intend to meet, to make a ſecond dividend and diſtribution of ſuch bankrupt's eſtate or effects, and for the creditors who ſhall not before have proved their debts, to come and prove the ſame; and at ſuch meeting every ſuch aſſignee or aſſignees ſhall produce upon oath or affirmation as aforeſaid, his, her, or their account or accounts of the bankrupt's eſtate and effects, and what upon the balance thereof ſhall appear to be in his, her, or their hands, ſhall, by the like order of the commiſſioners, or the major part of them, be forthwith divided amongſt ſuch of the bankrupt's creditors who ſhall have made due proof of their debts, in proportion to their ſeveral and reſpective debts; which ſecond dividend ſhall be final, unleſs any ſuit at law or in equity ſhall be depending,

Second dividend within eighteen months.

Notice to be inſerted in the Gazette.

Aſſignees to produce their accounts upon oath.

Commiſſioners to order the balance to be divided.

Second dividend to be final, unleſs, &c.

depending, or any part of the eſtate ſtanding out, that cannot have been diſpoſed of, or that the major part of the creditors, ſhall not have agreed to be ſold and diſpoſed of in manner aforeſaid, or unleſs ſome other or future eſtate or effects of the ſaid bankrupt, ſhall afterward come to or veſt in the ſaid aſſignee or aſſignees; in which caſe the ſaid aſſignee or aſſignees ſhall, as ſoon as may be, convert ſuch future or other eſtate and effects into money, in manner aforeſaid, and ſhall, within two months next after the ſame ſhall be converted into money as aforeſaid, by the like order of the commiſſioners, or the major part of them, divide the ſame among ſuch bankrupt's creditors who ſhall have made due proof of their debt under ſuch commiſſion.

Concerning ſet off and mutual Credit.

Mutual debts to be ſet off.

5 GEO. 2. c. 30. ſ. 28. Where it ſhall appear to the commiſſioners, or the major part of them, that there hath been mutual credit given by the bankrupt, and any other perſon, or mutual debts between the bankrupt and any other perſon, at any time before ſuch perſon became bankrupt, the ſaid commiſſioners, or the major part of them, or the aſſignees of ſuch bankrupt's eſtate, ſhall ſtate the account between them, and one debt may be ſet againſt another, and what ſhall appear to be due, on either ſide, on the balance of ſuch account, and on ſetting ſuch debts againſt one another, and no more, ſhall be claimed, or paid on either ſide, reſpectively.

Concerning Payments in the Courſe of Trade.

See Tit. Aſſignment.
1 J. c. 15. ſ. 14.
See Tit. Proof of Debt.
19 G. 2. c. 32. ſ. 2.

19 GEO. 2. c. 32. ſ. 1. Whereas many perſons within the deſcription of, and liable to the ſtatutes concerning bankrupts, frequently commit ſecret acts of bankruptcy unknown to their creditors and other perſons, with whom in the courſe of trade they have dealings and tranſactions; and after the committing thereof, continue to appear publickly, and carry on their trade and dealings, by buying and ſelling of goods and merchandizes, drawing, accepting, and negociating bills of exchange, and paying and receiving money on account thereof, in the uſual way of trade, and in the ſame open and public manner, as if they were ſolvent perſons, and had not become bankrupt: And whereas the permitting ſuch ſecret acts of bankruptcy to avoid and defeat payments, really and *bona fide* made in the caſes and under the circumſtances above mentioned, where the perſons receiving the ſame had not notice of, or were privy to ſuch perſons having committed any act of bankruptcy, will be a great diſcouragement to trade and commerce, and a prejudice to credit in general: Be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the Lords ſpiritual and

temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty-ninth day of *October*, in the year of our Lord one thouſand ſeven hundred and forty-ſix, no perſon who is or ſhall be really and *bona fide* a creditor of any bankrupt, for or in reſpect of goods really and *bona fide* ſold to ſuch bankrupt, or for in reſpect of any bill or bills of exchange really and *bona fide* drawn, negociated, or accepted by ſuch bankrupt, in the uſual and ordinary courſe of trade and dealing, ſhall be liable to refund or repay to the aſſignee or aſſignees of ſuch bankrupt's eſtate, any money which, before the ſuing forth of *ſuch* commiſſion, was really and *bona fide*, and in the uſual and ordinary courſe of trade and dealing, received by ſuch perſon of any ſuch bankrupt, before ſuch time as the perſon receiving the ſame ſhall know, underſtand, or have notice that he is become a bankrupt, or that he is in inſolvent circumſtances.

Payments in the courſe of trade not to be avoided by ſecret acts of Bankrupt;

not liable to refund to the aſſignees.

Concerning the Enrolment of the Proceedings:

See Tit. Of the Commiſſion.
5 G. 2. c. 30. ſ. 41.

Concerning the Surplus:

See Tit. Authority of the Commiſſioners.
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